



ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು

ಸಂಪುಟ ೧೫೨ Volume 152	ಬೆಂಗಳೂರು, ಗುರುವಾರ, ಆಗಸ್ಟ್ ೨೪, ೨೦೧೭ (ಭಾದ್ರಪದ ೨, ಶಕ ವರ್ಷ ೧೯೩೯) Bengaluru, Thursday, August 24, 2017 (Bhadrapada 2, Shaka Varsha 1939)	ಸಂಚಿಕೆ ೩೪ Issue 34
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ಭಾಗ ೪

ಕೇಂದ್ರದ ವಿಧೇಯಕಗಳು ಮತ್ತು ಅವುಗಳ ಮೇಲೆ ಪರಿಶೀಲನಾ ಸಮಿತಿಯ ವರದಿಗಳು,
ಕೇಂದ್ರದ ಅಧಿನಿಯಮಗಳು ಮತ್ತು ಅಧ್ಯಾದೇಶಗಳು, ಕೇಂದ್ರ ಸರ್ಕಾರದವರು ಹೊರಡಿಸಿದ
ಸಾಮಾನ್ಯ ಶಾಸನಬದ್ಧ ನಿಯಮಗಳು ಮತ್ತು ಶಾಸನಬದ್ಧ ಆದೇಶಗಳು ಮತ್ತು
ರಾಷ್ಟ್ರಪತಿಯವರಿಂದ ರಚಿತವಾಗಿ ರಾಜ್ಯ ಸರ್ಕಾರದವರಿಂದ
ಪುನಃ ಪ್ರಕಟವಾದ ಆದೇಶಗಳು

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ
ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯೂ 14 ಕೇನಿಪ್ರ 2017, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 25-03-2017

2017ನೇ ಸಾಲಿನ 04-01-2017 ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ-II ಸೆಕ್ಷನ್ 3(ii) ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ
G.S.R. 5(E) ನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF SKILL DEVELOPMENT AND ENTREPRENEURSHIP

NOTIFICATION

New Delhi, the 4th January, 2017

G.S.R. 5(E).—In exercise of the powers conferred by the proviso to article 309 of the Constitution and in Supersession of the Deputy Director General (Group 'A') Recruitment Rules, 2002 and the Directorate General of Training (Group 'A' Posts) Recruitment Rules, 2011, except as respects things done or omitted to be done before such supersession, the President hereby makes the following rules, namely:-

- Short title and commencement:**— (1) These rules may be called the Indian Skill Development Service Rules, 2017.
(2) They shall come into force on the date of their publication in the Official Gazette.
- Definition.**—In these rules, unless the context otherwise requires,
(a) “Commission” means the Union Public Service Commission;
(b) “Controlling Authority” means the Government of India in the Ministry of Skill Development and Entrepreneurship;
(c) “departmental candidates” means all the existing officers holding Group 'A' posts appointed under—

- (i) The Deputy Director General (Group 'A' Post), Recruitment Rules, 2002; or
 - (ii) The Directorate of Training (Group 'A' Posts) Recruitment Rules, 2011;
- and include officers appointed on regular basis to the posts under the said rules but are on deputation to other Departments on the date of commencement of these rules;
- (d) **"Department Promotion Committee"** means a Committee constituted to consider promotion and confirmation of officers in any grade under these rules;
- (e) **"duty post"** means any post included in the First Schedule;
- (f) **"Grade"** means a Grade specified in column 2 of the First Schedule;
- (g) **"regular service"** in relation to any Grade means the period or periods of service in that Grade rendered after the commencement of these rules and includes any period or periods -
- (i) taken into account for the purpose of seniority in case of those appointed at the initial constitution; and
 - (ii) during which an officer would have held a duty post in that Grade but for being on leave or otherwise not available to hold such post;
- (h) **"Schedule"** means a Schedule appended to these rules;
- (i) **"Service"** means the Indian Skill Development Service constituted under rule 3.
- 3. Constitution of Indian Skill Development Service.** – (1) There shall be constituted a Service to be known as the Indian Skill Development Service consisting of members specified in rule 5.
- (2) All the posts included in the Service shall be classified as Group 'A' posts.
- 4. Grades, authorised strength and its review.** – (1) The duty posts included in the various Grades of the Service, their number and the scales of pay on the commencement of these rules, shall be as specified in the First Schedule:
- Provided that a duty post included in a particular Grade as mentioned in the First Schedule shall be interchangeable with one another.
- (2) After the commencement of these rules, the authorised strength of the duty posts in various grades shall be such as may, from time to time, be determined by the Central Government.
- (3) Central Government may, in consultation with the Commission, include in the Service such posts as can be deemed to be equivalent in status, pay band and Grade pay or pay scale to the posts included in First Schedule or exclude from the service a duty post included in the said Schedule.
- (4) The Central Government may, from time to time and in consultation with the Commission, appoint an officer to a duty post whose post is included in the Service under sub-rule (3), to the appropriate Grade of the Service in a temporary capacity or in a substantive capacity as it thinks fit and fix his seniority in that Grade after taking into account his continuous regular service in the analogous Grade.
- 5. Member of Service.** – (1) The following persons shall be the members of the Service, namely:-
- (a) persons appointed to duty posts under rule 6; and
 - (b) persons appointed to duty posts under sub-rule (4) of rule 4 and rule 7.
- (2) A person appointed under clause (a) of sub-rule (1) shall on such appointment be deemed to be the member of the Service in the corresponding Grade, applicable to as specified him in the First Schedule.
- (3) A person appointed under clause (b) of sub-rule (1) shall be a member of the Service in the corresponding Grade applicable to him as specified in the First Schedule from the date of such appointment.
- 6. Initial constitution of Service.** – All the existing departmental candidates holding Group 'A' posts in various Grades on regular basis on the date of commencement of these rules shall be deemed to be appointed to the corresponding duty posts and the Grade of the Service in a substantive or officiating capacity, as the case may be.

7. **Future maintenance of Service.-** Any vacancy in any of the Grades referred to in the First Schedule after the commencement of these rules shall be filled in following manner namely:-
- (a) appointments to various Grades of the Service shall be made in accordance with the method of recruitment, the field of promotion, the minimum qualifying service in the next lower Grade and other eligibility conditions for appointment by promotion or transfer on deputation, as the case may be, as specified in the Second Schedule.
 - (b) The selection of officers for promotion shall be made on the recommendation of the Departmental Promotion Committee constituted in accordance with the Third Schedule;
 - (c) The educational and other qualifications, experience and age limits for appointment by direct recruitment to Junior Time Scale (Assistant Director) of the Service shall as specified in the Fourth Schedule.
8. **Probation.-** (1) Every officer appointed to the Service either by direct recruitment or by promotion in Junior Scale shall be on probation for a period of two years:
- Provided that the Controlling Authority may extend the period of probation in accordance with the instructions issued by the Central Government from time to time in this regard:
- Provided further that any decision for extension of period of probation shall be taken ordinarily within eight weeks after the expiry of the period of probation and communicated in writing to the concerned officer together with the reasons for so doing within the said period.
- (2) On completion of the period of probation or any extension thereof, the officer shall, if considered fit for permanent appointment, be retained in his appointment on regular basis and be confirmed in due course against the available substantive vacancy.
 - (3) If, during the period of probation or any extension thereof, as the case may be, the Central Government is of the opinion that an officer is not fit for permanent appointment, the Central Government without any reason being assigned, may –
 - (a) If he was appointed by direct recruitment discharge him from Service in that post;
 - (b) If he was appointed by promotion revert him to the post held by him immediately before such promotion.
 - (4) During the period of probation or any extension thereof, the officer may be required to undergo such courses of training and instructions and pass such examinations and tests as the Central Government may consider necessary as a condition to the satisfactory completion of probation.
 - (5) Subject to sub-rules (1) to (4), the other matters relating to probation of the members of the Service shall be governed by the instructions issued by the Central Government from time to time in this regard.
9. **Seniority.** – The inter-se seniority of the officers appointed to the various Grades mentioned in the First Schedule at the initial constitution of the Service under rule 6, shall be determined according to the length of regular continuous service in the Grade subject to maintenance in the respective Grades of inter-se seniority of officers recruited under the rules mentioned in clause 1 of rule 2;
- (2) Officers appointed at the initial constitution shall be senior to those appointed subsequently.
 - (3) The seniority of the officers appointed to the Service after the initial constitution shall be determined in accordance with the provisions contained in the Department of Personnel and Training O.M. No. 22011/7/86/Estt., Dated the 3rd July, 1986 as amended from time to time.
 - (4) The seniority of officers appointed under sub-rule (4) of rule 4 shall be fixed in the manner provided in these rules.

- (5) The seniority of officers not covered under this rule, shall be determined by Central Government in consultation with the Commission.
- (6) In case the fixation of the seniority under this rule results in difficulties or anomalies, the same shall be determined by the Central Government in consultation with the Commission.
10. **Appointment to Service.** – All appointments to the Service shall be made by the Controlling Authority for all the posts in various Grades of the Service and in case of ‘Deputation (ISTC)’, consultation with the Commission shall be necessary.
11. **Liability for service in any part of India and other conditions of service.** – (1) The officers appointed to the Service shall be liable to serve any where in India or outside.
- (2) The conditions of service of the members of the Service, in respect of matters for which no provision is made in these rules, shall be the same as are applicable, from time to time, to officers of Central Civil Service in general.
12. **Disqualification:**– No person, –
- (a) who has entered into or contracted a marriage with a person having a spouse living; or
- (b) who, having a spouse living has entered into or contracted a marriage with any person,
- shall be eligible for appointment to the Service:
- Provided that the Central Government may, if satisfied, that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.
13. **Power to relax.**– where the Central Government is of the opinion that it is necessary or expedient so to do, it may by order, for reasons to be recorded in writing and in consultation with the Commission, relax any of the provisions to these rules with respect to any class or category of persons.
14. **Saving.**– Nothing in these rules shall effect reservations, relaxation of age limit and other concessions required to be provided for the persons belonging to the Scheduled Castes, the Scheduled Tribes, Other Backward Classes, Ex-Servicemen and other special categories of persons in accordance with the orders issued by the Government from time to time in this regard.
15. **Residuary matters:**– In regard to matters not specifically covered by these rules, the members of the Service shall be governed by the rules, regulations and orders applicable to the Central Civil Services or equivalent posts in general.
16. **Interpretation:**– If any question relating to interpretation of these rules arises, it shall be referred to the Central Government who shall decide the same.

FIRST SCHEDULE

[See Rules 2 (g); 4 (1), (3); 7 (1) and 9 (1)]

Name, Number and scale of pay of duty posts included in the various grades of the

Indian Skill Development (Group ‘A’) Service

Sl. No.	Grade	Name of the duty Posts included in the Grade	Number of duty posts	Pay Matrix (As per 7th CPC)
1	2	3	4	5
1.	Senior Administrative Grade	Deputy Director General	3	Level-14 (Rs.1,44,200-2,18,200)
2.	Junior Administrative Grade	Director	28	Level-13 (Rs.1,18,500-2,14,200)
3.	Senior Time Scale (Non-Functional Selection Grade)	Joint Director	23@	Level-12 (Rs.78,800-2,09,200)
4.	Senior Time Scale	Deputy Director	97	Level-11 (Rs.67,700-2,08,200)

5.	Junior Time Scale	Assistant Director	112	Level-10 (Rs. 56100- 1,77,500)
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@ The number of posts in Senior Time Scale (Non Functional Selection Grade) shall be 15% of the Senior duty posts i.e. at the level Senior Time Scale and above in the Cadre, limited to the number of posts in the Senior Time Scale. However, there shall be no increase in the overall strength of the Cadre.

SECOND SCHEDULE

[See Rule 7(1) (a)]

Method of recruitment, field of promotion, minimum qualifying service in the next lower grade and other eligibility conditions for appointment of officers by promotion/transfer on deputation, as the case may be, to duty posts included in the various grades of the Indian Skill Development (Group 'A') Service.

Sl. No	Grade Pay Matrix level	Method of Recruitment	Field of Selection and minimum qualifying service for promotion
(1)	(2)	(3)	(4)
1.	Senior Administrative Grade Pay Matrix Level-14 (Rs.1,44,200-2,18,200)	By Promotion	Junior Administrative Grade Officers of the Indian Skill Service with three years regular service rendered in the grade after appointment thereto
2	Junior Administrative Grade Pay Matrix Level-13 (Rs.1,18,500-2,14,200)	By Promotion failing which by Deputation (ISTC)	<p>Promotion: Senior Time Scale Officers (NFSG) with 5 years' regular service rendered in the grade. Deputation(ISTC) : Officers under the Central Government/State Governments/ Union Territories/Public Sector Undertakings/Semi-Govt. organisations/autonomous and statutory organisations/recognized universities/institutes:</p> <p>(a)(i) Holding analogous posts, or</p> <p>(ii) With 5 years' service rendered in the grade after appointment thereto on regular basis in Pay matrix Level-12</p> <p>(b) Possessing the following educational qualifications and experience :</p> <p>Essential:-</p> <p>(i) A degree in the appropriate branch of engineering of a recognized university or institute (the exact discipline shall be indicated at the time of each recruitment):</p> <p>(ii) Twelve years' experience in a supervisory capacity in production or maintenance or servicing or teaching in a recognised technical institutes including two years administrative experience.</p> <p>Desirable :-</p> <p>(i) Master's degree in engineering or technology from a recognised university or institute.</p> <p>(ii) Knowledge of preparation of syllabi teaching aids, training material.</p> <p>Note 1: Promotion to the post carrying the Pay Matrix Level -12 (7th CPC) upon completion of 5 years regular service in the grade, failing which the promotion shall be made upon completion of 10 years regular service in the Pay Matrix Level 11 and 12 (7th CPC), out of which 3 years of regular service should have been rendered in Pay Matrix Level-12 (7th CPC) This shall be</p>

			<p>applicable only to the incumbents who are occupying the Service post(s) in the Pay Matrix 11 and 12 (7th CPC) as on the date of notification of these Service rules”</p> <p>Note 2 The departmental officers in the feeder grade who are in the direct line of promotion shall not be eligible for consideration for appointment on deputation. Similarly deputationist shall not be eligible for consideration for appointment of promotion.</p> <p>Note 3: The period of deputation including the period of deputation in another ex-cadre post held immediately preceding this appointment in the same organisation/department of the Central Government shall ordinarily not exceed five years. The maximum age limit for appointment by deputation shall be not exceeding 56 years as on the closing date of receipt of application.</p>
3.	Senior Time Grade (NFSG) Pay Matrix Level-12 (Rs.67,700-2,08,200)	By Promotion	Senior Time Scale Officers with 5 years regular service rendered in the grade after appointment thereto
4.	Senior Time Scale Pay Matrix Level-11 (Rs.67,700-2,08,200)	66.7% by promotion 33.3 % by Deputation (ISTC)	<p>Promotion: Junior Time Scale Offices with 5 years’ regular service rendered in the grade after appointment thereto.</p> <p>Deputation (ISTC): Officers under the Central Government/State Governments /Union Territories/Public Sector Undertakings/Semi-Govt. organisations /autonomous and statutory organisations/recognized universities/institutes:</p> <p>(a)(i) Holding analogous posts or (ii) With 5 years’ service rendered in the grade after appointment there-to on regular basis in Pay Matrix Level-10 (7th CPC)</p> <p>(b) Possessing the following educational qualification and experience</p> <p>Essential:</p> <p>(i) A degree in the appropriate branch, engineering of a recognised university or institute (the exact discipline shall be indicated at the time of each recruitment).</p> <p>(ii) Five years’ experience in a supervisory capacity in production or maintenance or servicing or teaching or training in a recognised technical institute including two year’s administrative experience.</p> <p>Desirable:-</p> <p>(a) Master’s degree in engineering or technology from a recognised university or institute.</p> <p>(b) Knowledge of preparation of syllabi, teaching aids, training material.</p> <p>Note 1: The departmental officers in the feeder grade who are in the direct line of promotion shall not be eligible for consideration for appointment on</p>

			deputation. Similarly, deputationist shall not be eligible for consideration for appointment or promotion. Note 2: The period of deputation including the period of deputation in another ex-cadre post held immediately preceding this appointment in the same organisation/department of the Central Government shall ordinarily not exceed four years. The maximum age limit for appointment by deputation shall not exceeding 56 years as on the closing date of receipt of application.
5.	Junior Time Scale Pay Matrix Level-10 (Rs. 56100-1,77,500)	(i) 50% by Promotion (of which 30 %) from candidates having degree and 20% from candidates having Diploma and other qualifications (ii) 50% by Direct Recruitment	Promotion : Training Officer in Pay Matrix 7 with three years' regular service rendered in the grade after appointment thereto on regular basis and possessing :- (a) National Trade Certificate of National Apprenticeship Certificate in appropriate Trade with Craft Instructor Certificate or National Craft Instructor Certificate or equivalent certificate issued by the National Council for Vocational Training .Or b) A degree from a recognised university with National Certificate or National Apprenticeship Certificate

NOTE : Where juniors who have completed their qualifying /or eligibility service are being considered for promotion , their seniors would also be considered, provided they are not short of the requisite qualifying or eligibility service by more than half of such qualifying or eligibility service of two years, whichever is less and have successfully completed their probation period for promotion to the next higher grade along with their juniors who have already completed such qualifying or eligibility service.

THIRD SCHEDULE

[See rule 7 (1) (b)]

PART 'A'

Composition of Group 'A' Departmental Promotion Committee for considering cases of promotion confirmation to various grades of the Indian Skill Development (Group 'A') Service

Sl. No.	Name of Duty Post	Group 'A' DPC (for considering promotion)	Group 'A' DPC (for considering confirmation)
1.	Senior Administrative Grade Pay Matrix Level-14 (Rs.1,44,200-2,18,200)	1. Chairman/Member, Union Public Service Commission - Chairman 2. Secretary (Ministry of Skill Development & Entrepreneurship) – Member 3. Additional Secretary (Ministry of Skill Development & Entrepreneurship) – Member	Not Applicable
2.	Junior Administrative Grade Pay Matrix Level-13 (Rs.1,18,500-2,14,200)	1. Chairman/Member, Union Public Service Commission – Chairman 2. Secretary, Ministry of Skill Development & Entrepreneurship – Member 3. Director General/Joint Secretary, Directorate General of Training – Member	Not Applicable
3.	Senior Time Scale (NFSG) Pay Matrix Level-12 (Rs.78,800-2,09,200)	1. Secretary, Ministry of Skill Development & Entrepreneurship – Chairman 2. Director General/Joint Secretary, Directorate General of Training – Member 3. Deputy Director General of Training/Director of Training, Directorate-General of Training –Member	Not Applicable

4.	Senior Time Scale Pay Matrix Level-11 (Rs.67,700-2,08,200)	<ol style="list-style-type: none"> 1. Special Secretary/Additional Secretary, Ministry of Skill Development & Entrepreneurship – Chairman 2. Director General/Joint Secretary, Directorate General of Training – Member 3. Deputy Director General (Training)/Director of Training, Directorate General of Training – Member 4. Deputy Director General (Apprenticeship Training)/Director of Apprenticeship Training, Directorate General of Training – Member 5. Director/Deputy Secretary (Admn.), Directorate General of Training – Member 	Not Applicable
5.	Junior Time Scale Pay Matrix Level-10 (Rs. 56100-1,77,500)	<ol style="list-style-type: none"> 1. Chairman/Member of Union Public Service Commission – Chairman 2. Secretary , Ministry of Skill Development & Entrepreneurship – Member 3. Director General/Joint Secretary, Directorate General of Training –Member 4. Deputy Director General (Training)/Director of Training, Directorate General of Training – Member 5. Deputy Director General (Apprenticeship Training)/Director of Apprenticeship Training, Directorate General of Training) - Member 	<ol style="list-style-type: none"> 1. Joint Secretary, Ministry of Skill Development & Entrepreneurship – Chairman 2. Director/Deputy Secretary (Admn.), Ministry of Skill Development & Entrepreneurship - Member 3. Deputy Director General (Training)/Director of Training, Directorate General of Training – Member 4. Deputy Director General (Apprenticeship Training)/Director of Apprenticeship Training, Directorate General of Training) - Member

FOURTH SCHEDULE

[See sub-rule (4) of rule 7]

Age and minimum educational and other qualification, experience and age limit for direct recruitment in the Junior Time Scale of the Indian Skill Development Service.

- (a) Age Limit – 21-30 years as on 1st January of the year of Examination.
(Relaxable for Schedule Castes and Schedule Tribes ,Other Backward Classes ,Physically Handicapped and Government Servants as per instructions issued by DoPT from time to time)

Educational qualifications:

- (i) A Degree in Engineering or Technology from a recognised university or institute.

[F. No. DGT-A-61012/1/2015-Adm.II]

ASHEESH SHARMA, Jt. Secy.

P.R. 43

SC - 20

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಹೆಚ್. ರಾಜ್‌ಕುಮಾರ್

ಸಹಾಯಕ ಪ್ರಾರೋಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ

ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ (ಪ್ರ),

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ
ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯೂ 25 ಕೇನಿಪ್ರ 2017, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 31-05-2017

2017ನೇ ಸಾಲಿನ 22-05-2017 ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ-II ಸೆಕ್ಷನ್ 3(ii) ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ F.NO. 1/7/2016-EP(MP) ದಿನಾಂಕ 11-05-2017 ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF COMMERCE AND INDUSTRY
(The Marine Products Export Development Authority)

ORDER

Kochi, the 11th May, 2017

F. No. 1/7/2016-EP(MP).— In exercise of the powers conferred under Section 8 (1) of The Marine Products Export Development Authority Act, (13 of 1972), The Marine Products Export Development Authority (herein after referred as “MPEDA”) hereby constitutes an advisory committee of the MPEDA, to be designated as “State Agency for Export Development of Aquaculture and Fisheries” (hereinafter referred as “SAEDAF”) for various regions of the country as mentioned in annexure to this order.

1. Constitution of State Agency for Export Development of Aquaculture and Fisheries (SAEDAF). –

(1) Each SAEDAF shall consist of the following members namely:-

- | | |
|---|-------------------|
| (a) Chief Secretary to the State Government where the SAEDAF is located | —Chairperson |
| (b) A senior representative from MPEDA | —Member |
| (c) Representative of the Government of India with the Department of Animal Husbandry, Dairying and Fisheries | —Member |
| (d) Chairman or nominee of Port Trust(s) of the concerned State | —Member |
| (e) Representative of Coastal Aquaculture Authority | —Member |
| (f) Representative of National Fisheries Development Board (NFDB) | —Member |
| (g) Principal Secretary/Commissioner of Fisheries of the State Government | —Member |
| (h) Principal Secretary/Commissioner of Revenue of the State Government | —Member |
| (i) The representative from State Nodal Agency for Biodiversity Act | —Member |
| (j) A representative of Central Fisheries Research/Education Institute of the State or Region | —Member |
| (k) A representative of State Fisheries Research/Education Institute of the State or Region | —Member |
| (l) A representative of Hatchery operators in the concerned State or Region | —Member |
| (m) A representative of Aqua Farmers in the concerned State or Region | —Member |
| (n) A representative of Fishers in the concerned State or Region | —Member |
| (o) A representative of Fishing vessel owners in the concerned State or Region | —Member |
| (p) A representative of Processing Plant owners in the concerned State or Region | —Member |
| (q) A representative of Ornamental fish breeders in the concerned State or Region | —Member |
| (r) A representative of the exporters of seafood in the concerned State or Region | —Member |
| (s) Representative of NABARD | — Member |
| (t) Representative of Lead Bank | — Member |
| (u) Joint Director /Deputy Director of MPEDA in the concerned State or Region | —Member-Secretary |

Special Invitees

Based on the agenda, the Member Secretary with the permission of Chairman, SAEDAF may invite the District Collector, representatives from the State Departments which are not represented above, Societies of MPEDA such as RGCA/NETFISH/NaCSA, or any other special invitees.

(2) The members of SAEDAF will be nominated by the Government.

(3) The Members of the SAEDAF shall hold office for such period not exceeding three years from the date of appointment.

(4) All meetings of the SAEDAF shall be chaired by the Chairperson and in his/her absence, the meetings shall be chaired by the next senior most representative of the Central Government or the State Government as the case may be.

(5) The SAEDAF may devise, subject to any general or specific advice given by the MPEDA, its own procedures for conduct of its meetings.

(6) The SAEDAF shall have one meeting in each quarter and not less than two meetings in a financial year.

2. Secretariat. - (1) The Headquarters of the SAEDAF shall be in a place designated by the MPEDA as its Regional Division.

(2) The Regional Officer of the MPEDA shall act as the Member Secretary of the SAEDAF and coordinate with relevant agencies to implement its decisions.

3. Functions: - (1) The SAEDAF shall advise and recommend MPEDA, concerned State Departments, institutions like NFDB, CAA, NABARD and other Banking and financial institutions on the actions to be taken including administrative and environmental clearances for the promotion of production, processing and quality up gradation of fish and fishery products in the State or region as laid down in Chapter 2 Section 9(1) of the MPEDA Act.

(2) In particular, the SAEDAF may:-

- (a) coordinate programmes, activities and projects of the concerned agencies of the Central and State Governments relating to quality, production, development, promotion, marketing and export of marine products;
- (b) undertake programmes and projects, in particular, for promotion of export of marine products;
- (c) arrange and provide assistance for sustainable fishing and aquaculture, processing and value addition;
- (d) carry out promotional programmes to increase production and consumption of marine products;
- (e) assist and encourage creation of appropriate infrastructure for fishing, aquaculture, processing, storage and quality assurance;
- (f) undertake programmes and projects for research and development, promotion of innovative and diversified aquaculture;
- (g) disseminate information on market and price of fish and fishery products among all the stakeholders;
- (h) promote co-operative efforts among aqua farmers, fishers and exporters for cluster based farming;
- (i) assist and encourage capacity building on sustainable fishery, aquaculture, harvest, post harvest handling and quality assurance of fish and fishery products;
- (j) evolve suitable quality standards and introduce certification of quality for marine products;
- (k) establish laboratories to undertake activities connected with aquaculture and quality of marine products for export;
- (l) advise the Central Government, State Governments of the region and MPEDA on matters related to production, marketing, quality and export of marine products;

4. Powers:- (1) In discharging its functions, the SAEDAF, shall have the powers to sanction the expenditure for undertaking programmes, activities and services and other administrative expenses as per the financial and administrative powers delegated by the MPEDA.

(2) In case, a specific approval of the SAEDAF cannot be obtained, the Member Secretary may perform any of the function assigned to the SAEDAF, in consultation with the Chairman MPEDA, subject to the ex-post facto approval in the next meeting, of the functions performed by him/her.

5. Finance.- (1) The SAEDAF shall submit an annual plan and budget of its activities which shall be approved by the MPEDA for implementation by the concerned stakeholders and agencies.

(2) The Central Government may provide, through the MPEDA or otherwise, grant of such sums of amount as may be necessary for the said SAEDAF to carry out its functions effectively.

6. Control.- The SAEDAF shall function under the overall authority, supervision and control of the MPEDA.

7. Each SAEDAF shall commence its operations from a date as may be notified by the MPEDA.

8. The MPEDA may setup and notify additional SAEDAF for other regions as may be necessary.

Annexure to notification of MPEDA issued under No. F. No. 1/7/2016 - EP (MP) dated 11th May, 2017.
State Agency for Export Development of Aquaculture and Fisheries (SAEDAF)

S. No.	State Covered	Name of SAEDAF
1.	Gujarat	SAEDAF, Veraval
2.	Maharashtra	SAEDAF, Mumbai
3.	Goa	SAEDAF, Goa
4.	Karnataka	SAEDAF, Mangalore
5.	Kerala	SAEDAF, Kochi
6.	Tamil Nadu	SAEDAF, Chennai
7.	Andhra Pradesh	SAEDAF, Vijayawada
8.	Odisha	SAEDAF, Bhubaneswar
9.	West Bengal	SAEDAF, Kolkata

Dr. A. JAYATHILAK, Chairman, MPEDA

[ADVT-III/4/Exty./74/17]

P.R. 59

SC - 20

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಹೆಚ್. ರಾಜ್‌ಕುಮಾರ್

ಸಹಾಯಕ ಪ್ರಾರೋಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ

ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ (ಪ್ರ),

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯೂ 18 ಕೇನಿಪ್ರ 2017, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 18-02-2017

2017ನೇ ಸಾಲಿನ 19-01-2017 ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ-II ಸೆಕ್ಷನ್ 3(ii) ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ S.O. 186(E) ದಿನಾಂಕ 19-01-2017 ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF LABOUR AND EMPLOYMENT

NOTIFICATION

New Delhi, the 19th January, 2017

S.O. 186(E).—Whereas the draft proposal to revise the minimum rates of wages per day payable to the Schedule mentioned categories of employees engaged in the employment of Agriculture was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), as required by clause (b) of sub-section (1) of section 5 of the Minimum Wages Act, 1948 (11 of 1948), vide notification number S.O. 2832(E), dated the 1st September, 2016 of the Government of India in the Ministry of Labour and Employment for information and inviting objections and suggestions from all persons likely to be affected thereby, till the expiry of the period of two months from the date on which the copies of the Gazette of India containing the said notification were made available to the public;

AND whereas the copies of the said Gazette were made available to the public on the 2nd September, 2016;

AND whereas objections and suggestions received on the said proposal have been considered by the Central Government;

NOW, THEREFORE, in exercise of the powers conferred by clause (b) of sub-section (1) of section 3 read with clause (i) of sub-section (1) of section 4 and sub-section (2) of section 5 of the said Act, and in supersession of the notification of the Government of India in the Ministry of Labour and Employment, number S.O.1520(E), dated the 20th October, 2005 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), relating to revision of minimum rates of wages payable to the employees engaged in the employment of Agriculture, except as respects things done or omitted to be done before such supersession, the Central Government after consulting the Advisory Board hereby revises the minimum rates of wages per day, as specified in columns (2) to (4) of the Schedule annexed hereto, payable to the categories of employees mentioned against them in column (1) thereof, in the employment of Agriculture.

- (1). The revised minimum rates of wages shall be effective from the date of publication of this notification in the Official Gazette.
- (2). The revised minimum rates of wages shall consist of,-
 - (a) basic rates of wages as set out in columns (2), (3) and (4) of Part I of the Schedule mentioned hereunder and payable to the categories of employees engaged in the employment of agriculture as specified in column (1) thereof; and
 - (b) a special allowance (hereinafter referred to as Variable Dearness Allowance) at the rates as set out in columns (2), (3) and (4) of Part II of the Schedule for the respective categories of employees mentioned in column (1) thereof and the Variable Dearness Allowance shall be adjusted by the Chief Labour Commissioner (Central) at an interval of every six months commencing on 1st October and 1st April of every year on the basis of the average Consumer Price Index Number for Industrial Workers (Base 2001=100) for the preceding period of six months ending on 30th June and 31st December every year respectively, at the rate of and in the manner specified in the columns (2), (3) and (4) of Part II of the said Schedule.

SCHEDULE

PART I

Categories of employees	Basic Rates of Minimum Wages		
	Area-A	Area-B	Area-C
(1)	(2)	(3)	(4)
Unskilled	Rs.	Rs.	Rs.
Beldar, Calf boy, Cattleman, Cleaner (Motor shed, Tractor, Cattle Yard, M.T), Collecting loose fodder, Dairy coolie, Dairyman, Dismantling stocks, Dresser, Driver (Bullocks Mule), Grazler, Helper, (Store-Mazdoor), Labourer (Boiler, Cattle Yard, Cultivation, General Loading and Unloading, Bunding, Carting-Fertilizers, Harvesting, Miscellaneous Seeding, Sowing, Thatching, Transplanting, Weeding) Mali, Mazdoor (Airportcultivist Compost, Dairy's Haystaking, Irrigation, Manure, Stacking, Milk-room, Ration room Store, Anti-Malaria, M.R.), Messenger (Office), Peon, Syce, Tying and Carrying loose hay, Sweeper, Weighing and Carrying bales, Weighman (Bales, pally), Waterman, Stable man, Trolly man, and any other categories by whatever name called which are of unskilled nature.	333.00	303.00	300.00
Semi-skilled/Unskilled Supervisory			
Assistant (Chowdhary), Attendant (Bull-calving lines, Chowkidar, Chaff cutter, Hostel, Dry Stock, Grain crusher, Pump, Siekline, Stable, Yard Stock), Assistant-Plumber, Attendant, Bhisti, Brander, Bullman, Butterman, Coachman, Cobbler, Cultivator, Daftry, Deliveryman, Dhobi, Dresser, Fireman, Gowala, Hammerman, Helper (Blacksmith), Helper, Jamadar (stand), Jamadar, Khalasi, Mali Senior, Mate/Mistry, Mazdoor (literate), Nalband, Oilman, Ploughman, Vtackers, Supervisor, Thatcher, Valveman, Valveman (Senior), Wireman fixing tin cables, and any other categories by whatever name called which are of a semi-skilled nature.	364.00	335.00	307.00
Skilled			
Artificer (Class-II, III, IV), Blacksmith, Blacksmith (Class II), Boilerman, Carpenter, Carpenter (Class II) Carpenter-cum-	395.00	364.00	334.00

Blacksmith, Chowdhary, Driver, Driver (Engine Tractor, M.T. Motor), Electrician, Fitter, Mason, Mason Class II, Machine hand (Class II, III, IV), Machineman, Mate Gr. I (Senior), Mechanic, Milk Writer, Mistry (Head), Moulder, Muster Writer, Operator (Tube-well), Painter, Plumber, Welder, Upholsterer, Wireman, and any other categories by whatever name called which are of a skilled nature.			
Highly Skilled			
Artificier Class I, Blacksmith Class I Carpenter Class I, Machine Hand Class I, Mason Class I, Mechanic (Senior), and any other categories by whatever name called which are of highly skilled nature.	438.00	407.00	364.00
Clerical			
Assistant (Farm). Assistant (Cashier), Computer/Data Entry Operator, Clerk, Munshi, Register Keeper, Storekeeper, Time Keeper, Typist, and any other categories by whatever name called which are of clerical nature.	395.00	364.00	334.00

PART II

Categories of Workers	Rate of Variable Dearness Allowance for every point rise or fall beyond 271, which is the average monthly Consumer Price Index Number for industrial workers (Base year 2001=100), for the period January-June, 2016.		
	Area 'A'	Area 'B'	Area 'C'
(1)	(2)	(3)	(4)
1. Unskilled	1.22	1.11	1.10
2. Semi-skilled/ Unskilled-Supervisory	1.34	1.23	1.13
3. Skilled and Clerical	1.45	1.34	1.23
4. Highly Skilled	1.61	1.50	1.34

PART - III**Explanation : For the purposes of this notification, -**

- (a) Area "A" and Area "B" shall respectively comprise of all the places as specified in the Annexure to this notification and include all places within a distance of fifteen kilometers from the periphery of Municipal Corporation or Municipality or Cantonment Board or Notified Area Committee of a particular place, and Area "C" shall comprise of all the other places not mentioned in the Annexure to which the Minimum Wages Act, 1948 (11 of 1948) extends. The places added or upgraded from time to time by the Ministry of Finance for the purpose of payment of House Rent Allowance to Central Government employees shall be taken to be added from such dates for the purpose of classification specified in the Annexure to this notification;
- (b) Where in any area the minimum rates of wages fixed by this notification are lower than the minimum rates of wages fixed by the State Government for the employees of the aforesaid employments in relation to which the State Government is the appropriate Government, the rates of wages fixed by the State Government shall in respect of these areas, be deemed to be the minimum rates of wages payable under this notification;
- (c)
 - (i) **"Unskilled Work"** means work which involves simple operations requiring little or no skill or experience on the job;
 - (ii) **"Semi-skilled Work"** means work which involves some degree of skill or competence acquired through experience on the job and which is capable of being performed under the supervision or guidance of a skilled employee and include unskilled supervisory work;
 - (iii) **"Skilled Work"** means work which involves skill or competence acquired through experience on the job or through training as an apprentice in a technical or vocational institute and the performance of which calls for initiative and judgement;
 - (iv) **"Highly Skilled Work"** means work which calls for a degree of perfection and full competence in the performance of certain tasks including clerical work acquired through intensive technical or professional training or practical work experience for certain reasonable period and also requires of an worker to assume full responsibility for the judgement or decision involved in the execution of the tasks;
- (d) The minimum rates of wages include the Wages for weekly day of rest;
- (e) The minimum rates of wages fixed by this notification are applicable to employees engaged by contractors also;

- (f) The minimum rates of wages payable to disabled employees shall be the same as payable to workers of the appropriate category;
- (g) The men, women and transgender employees shall get the same rates of wages for the same work or work of similar nature; and
- (h) Minimum rates of wages and variable dearness allowance both constitute the minimum rates of wages to be enforceable under the Minimum Wages Act, 1948 (11 of 1948).

[F. No. S-32017/1/2016-WC (MW)]

Dr. D. CHAUDHURI, Dy. Director General

ANNEXURE**CLASSIFICATION OF AREA****AREA – “A”**

Ahmedabad	(UA)	Hyderabad	(UA)	Faridabad complex	(M.Corp)
Bangaluru	(UA)	Kanpur	(UA)	Ghaziabad	(UA)
Delhi	(UA)	Chennai	(UA)	Noida	
Greater Mumbai	(UA)	Nagpur	(UA)	Secunderabad	
Kolkata	(UA)	Lucknow	(UA)	Gurgaon	(M. Corp)
Navi Mumbai	(UA)	Pune	(UA)		

AREA – “B”

Agra	(UA)	Gwalior	(UA)	Port Blair	(UA)
Ajmer	(UA)	Hubli-Dharwad	(M. Corp)	Puducherry	(UA)
Aligarh	(UA)	Indore	(UA)	Raipur	(UA)
Allahabad	(UA)	Jabalpur	(UA)	Raurkela	(UA)
Amravati	(M.Corp)	Jaipur	(M.Corp)	Rajkot	(UA)
Amritsar	(UA)	Jalandhar	(UA)	Ranchi	(UA)
Asansol	(UA)	Jalandhar-Cantt.	(UA)	Saharanpur	(M.Corp)
Aurangabad	(UA)	Jammu	(UA)	Salem	(UA)
Bareilly	(UA)	Jamnagar	(UA)	Sangli	(UA)
Belgaum	(UA)	Jamshedpur	(UA)	Shillong	
Bhavnagar	(UA)	Jhansi	(UA)	Siliguri	(UA)
Bhiwandi	(UA)	Jodhpur	(UA)	Solapur	(M.Corp)
Bhopal	(UA)	Kannur	(UA)	Srinagar	(UA)
Bhubaneshwar	(UA)	Kochi	(UA)	Surat	(UA)
Bikaner	(M.Corp)	Kolhapur	(UA)	Thiruvananthapuram	(UA)
Bokaro Steel City	(UA)	Kollam	(UA)	Thrissur	(UA)
Chandigarh	(UA)	Kota	(M.Corp)	Tiruchirappalli	(UA)
Coimbatore	(UA)	Kozhikode	(UA)	Tiruppur	(UA)
Cuttack	(UA)	Ludhiana	(M.Corp)	Ujjain	(M.Corp)
Dehradun	(UA)	Madurai	(UA)	Vadodara	(UA)
Dhanbad	(UA)	Malappuram	(UA)	Varanasi	(UA)
Durgapur	(UA)	Malegaon	(UA)	Vasai- Virar City	(M.Corp)
Durg-Bhilai Nagar	(UA)	Mangalore	(UA)	Vijayawada	(UA)
Erode	(UA)	Meerut	(UA)	Vishakhapatnam	(M.Corp)
Firozabad		Moradabad	(M. Corp)	Warangal	(UA)
Goa		Mysore	(UA)		
Gorakhpur	(UA)	NandedWaghala	(M. Corp)		
Greater Visakhapatnam	(M.Corp)	Nasik	(UA)		
Gulbarga	(UA)	Nellore	(UA)		
Guntur	(UA)	Panchkula	(UA)		
Guwahati	(UA)	Patna	(UA)		

Note 1.-Area ‘C’ shall comprise all areas not mentioned in this list but to which the Minimum Wages Act, 1948 (11 of 1948) extends.

Note 2.- U.A. means Urban Agglomeration.

NOTIFICATION

New Delhi, the 19th January, 2017

S.O. 187(E).—Whereas the draft proposal to revise the minimum rates of wages per day payable to the Schedule mentioned categories of employees engaged in the employment of “Gypsum Mines, Barytes Mines, Bauxite Mines, Manganese Mines, China Clay Mines, Kyanite Mines, Copper Mines, Clay Mines, Magnesite Mines, White Clay Mines, Stone Mines, Steatite Mines (including the mines producing Soap Stones and Talc), Ochre Mines, Asbestos Mines, Fire Clay Mines, Chromite Mines, Quartzite Mines, Quartz Mines, Silica Mines, Graphite Mines, Felspar Mines, Laterite Mines, Dolomite Mines, Red Oxide Mines, Wolfram Mines, Iron Ore Mines, Granite Mines, Rock Phosphate Mines, Hematite Mines, Marble and Calcite Mines, Uranium Mines, Mica Mines, Lignite Mines, Gravel Mines, Slate Mines and Magnetite Mines” was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), as required by clause (b) of sub-section (1) of section 5 of the Minimum Wages Act, 1948 (11 of 1948) vide notification of the Government of India in the Ministry of Labour and Employment number S.O. 2833(E), dated the 1st September, 2016 for information and inviting objections and suggestions from all persons likely to be affected thereby, till the expiry of the period of two months from the date on which copies of the Gazette of India containing the said notification were made available to the public;

AND whereas the copies of the said Gazette were made available to the public on the 2nd September, 2016;

AND whereas objections and suggestions received on the said proposal have been considered by the Central Government;

NOW, THEREFORE, in exercise of the powers conferred by clause (b) of sub-section (1) of section 3 read with clause (i) of sub-section (1) of section 4 and sub-section (2) of section 5 of the said Act, and in supersession of the notification of the Government of India in the Ministry of Labour and Employment, published in the Gazette of India Extraordinary, Part II, Section 3, Sub-section (ii), vide number S.O. 1286(E), dated the 20th May, 2009, except as respects things done or omitted to be done before such supersession, the Central Government after consulting the Advisory Board hereby revises the minimum rates of wages per day, as specified in columns (3) and (4) of the schedule annexed hereto, payable to the categories of employees mentioned against them in columns (2) thereof and engaged in the employment of aforesaid mines.

(1) The revised minimum rates of wages shall be effective from the date of publication of this notification in the Official Gazette.

(2) The revised minimum rates of wages shall consist of,-

(a) basic rates of wages as set out in columns (3) and (4) of Part – I of the Schedule mentioned hereunder and payable to the categories of employees employed in the employment in the aforesaid mines as specified in column (2) thereof; and

(b) a special allowance (hereinafter referred to as Variable Dearness Allowance) at the rate as set out in columns (3) and (4) of Part – II of the said Schedule and payable to the categories of employees working in mines mentioned in column (2) and the Variable Dearness Allowance shall be adjusted by the Chief Labour Commissioner (Central) at an interval of every six months commencing on 1st October and 1st April of every year on the basis of the average Consumer Price Index Number for Industrial Workers (Base 2001=100) for the preceding period of six months ending on 30th June and 31st December every year respectively, at the rate of and in the manner specified in the columns (3) and (4) of Part II of the Schedule.

(c) The classification of workers shall be as mentioned in Part – III of the Schedule.

SCHEDULE**PART – I**

Serial Number	Categories of employees	Minimum Rates of Basic Wages per Day (In Rupees)	
		Above Ground	Below Ground
(1)	(2)	(3)	(4)
1.	Unskilled	350.00	437.00
2.	Semi-Skilled /Unskilled Supervisory	437.00	523.00
3.	Skilled/Clerical	523.00	610.00
4.	Highly Skilled	610.00	683.00

PART – II

Serial Number	Categories of employees	Rate of Variable Dearness Allowance for every point rise or fall beyond 271, which is the average monthly Consumer Price Index Number for industrial workers (Base year 2001=100), for the period January-June, 2016.	
		Above Ground	Below Ground
(1)	(2)	(3)	(4)
1	Unskilled	1.29	1.13
2.	Semi-skilled/Unskilled-Supervisory	1.61	1.36
3.	Skilled and Clerical	1.93	1.58
4.	Highly Skilled	2.25	1.80

PART- III

CLASSIFICATION OF WORKERS

1. UNSKILLED WORKERS

1. Cleaner	2. Dresser / Dressing Mazdoor	3. Helper
4. Loader	5. Mazdoor (Male/Female)	6. Messenger (Male / Female)
7. Trimmer	8. Caretaker (except in Copper, Chromite and Graphite mines where it is semi-skilled)	9. Office Peon /Peon (except in Bauxite Mines)
10. Sweeper (Male / Female)	11. Carrier	12. Number Taker
13. Trolley Driver	14. Water Carrier	15. Hole cutter
16. Earth Cutter	17. Survey Khalasi	18. Khalasi not attending to machines
19. Carrier (Stone)	20. Cartman	21 Concrete (Hand Mixer)
22. Driver (Mule, Bullock, Camel, Donkey)	23. Lampman	24. Petrol man
25. Waterman	26. Beldar/Beldar (Canteen)	27. Coolie
28. Breaker (using manual appliances)	29. Cook-helper	30 Office Boy
31. Quarry Worker	32. Jelly Maker	33. Over burden Remover
34. Waste removing mazdoor	35. Unloader	36. Excavating Labour
37. Digger	38. Butcher	39. Attender
40. Compressor Attendant	41. Lorry Helper	42. Surface loader
43. Wood Cutter	44 Surface Mukar	45. Under Ground Mukar

and any other categories of workers by whatever name called, which are unskilled.

2. SEMI-SKILLED WORKERS/UNSKILLED SUPERVISORY

1. Bhisti	2. Assistant Driller	3. Miner
4. Butler/Cook	5. Breaker (using mechanical appliances)	6. Crech Ayah/Ayah/ Untrained Crech Attendant
7. Untrained Mate/ Mining Mate/ Mate without Competency certificate Under Metalliferous Mines Regulations, 1961	8. Oilman/Oiler	9. Chowkidar/ Watchman
10. Helper (Mason, Carpenter, Blacksmith)	11. Tindals	12. Muccadam (without competency certificate under Metalliferous Bulldozer Driver Mines Regulations, 1961)

13. Pump Attendant (except in Gypsum, Barytes and Rock Phosphate)	14. Khalasi (bulldozer) Pump Khalasi/Dumper Khalasi Compressor Khalasi	15. Khalasi attending to Machines
16. Quarry Man	17. Quarry Operator	18. Stocker
19. Storeman	20. Thatcher	21. Thoomba Man
22. Trolley Man	23. Jamadar	24. Bearer
25. White Washer	26. Breaks Man	27. Topaz
28. Topker	29. Helper (Loco, Crane, Truck)	30. Edge Runner
31. Pack Wallers	32. Rock Wallers	33. Jack Hammer
34. Pillarman	35. Banks Man	36. Cash Guard
37. Checker	38. Dhobi (Male/Female)	39. Fireman (except in Mica Mines where it is skilled)
40. Hammer Man	41. Grinder	42. Greaser
43. Mali/Gardener	44. Points Man	45. Attendant
46. Telephone Attendant	47. Boiler Man/without certificate	48. Assistant Blaster
49. Crusher Operator	50. Lamp room Incharge/ Attendant	51. Sampler/Sampler Boy
52. Stone Cutter and Dresser	53. Dresser Grade-II	54. Sepoy
55. Meter Reader	56. Caretaker in Copper, Chromite and Graphite Mines	57. Assistant Drill Operator
58. Canteen Boy	59. Butler-cum-Cook	60. Ventilation Fan Attendant
61. Tool Sharpner	62. Picker (Male/Female)	63. Charge-room Attendant
64. Assistant Mechanic	65. Assistant Fitter	66. Mechanical Helper
67. Mail Dak Runner	68. Attendant 'C' Category	69. Laboratory Attendant
70. Labour Sirdhar	71. Halwai	72. Canteen Attendant
73. Signal Man	74. Dak Boy	75. Ward Boy
76. Laboratory Boy	77. Peon, only in Bauxite Mines	78. Senior Sweeper
79. Shearer	80. Wast Cutter	81. Gun-Man
82. Explosive Carriers	83. Gauge Workers	84. Disc Workers
85. Sorter	86. Mica Cutter Grade-II	87. Chisleman
88. Fire Clay Press or drying and refining except overburden requiring earth cutting	89. Labour Dafadar	90. Mines Dafadar
91. Manual Chelly Breaker	92. Manual Blast/ Metal Breaker	

and any other categories of workers by whatever name called, which are Semi-skilled.

3. SKILLED WORKERS

1. Airwineh Haulage Operator	2. Auto-electrician	3. Painter
4. Blacksmith	5. Tailor	6. Compressor Operator
7. Blaster/Shot-firer	8. Driver	9. Head cook
10. Chargeman	11. Carpenter	12. Concrete Mixer Operator
13. Compressor Attendant	14. Air Compressor Attendant	15. Tractor Driver

16. Vehicle Driver	17. Chemist and Assistant/ Chemist	18. Sub- overseer (unqualified)
19. Driller	20. Handhole Driller	21. Drill Mechanic
22. Driver Auto	23. Electrician	24. Wirelesss Operator Asstt. Foreman
25. Foreman	26. Fitter	27. Ferry Driver
28. Issuer Loco	29. Super Foreman	30. Hoist Operator
31. IMCE Driver	32. Driver	33. Loco Driver
34. Loader Operator	35. Linesman	36. Mechanic/ Machinist
37. Mason	38. Mid Wife	39. Tinsmith
40 Supervisory Mechanic	41. Pump Attendant only in Gypsum, Barytes and Rock Phosphates	42. Pump Operator/Driver
43. Mining Mate with competency certificate under Metalliferous Mines Regulations, 1961.	44. Mistry	45. Skilled Mazdoor
46. Turner	47. Senior Mechanic	48. Pipe Fitter
49. Supervisor	50. Drafts Man	51. Wireman
52. Timber Man/Timber Mistry Elect.	53. Stone Crusher Operator	54. Crusher Operator
55. Moulder	56. Welder	57. Operator
58. Work Mistry	59. Engine Driver	60. Mining Engine Driver Grade -II
61. Engineman	62. Valveman	63. Cutter
64. Winding Engine Driver Grade - II	65. Security Guard (Unarmed) / Head Chowkidar	66. Shovel Operator
67. Limco Loader Operator	68. Surface Supervisor	69. Dozer Operator
70. Compressor Driller	71. Dumper Tractor Operator	72. Boiler Man (with Certificate)
73. Machinery Attendant	74. Air-conditions Mechanic	75. Crech Attendant only in Magnesite, Manganese and Mica Mines
76. Power Shovel Operator	77. Power and Pump House Operator	78. Miner Grade - I
79. Tractor Operator	80. Tub Repairer	81. Lathe Mistry
82. Stationery Engine Attendant	83. Generator Operator	84. Loading Foreman
85. Diesel Mechanic	86. Ferro Printer cum-chairman	87. Haulage Operator
88. Dispensary Attendant	89. Work Sakar	90. Mica Cutter Grade -I
91. Dresser Grade -I Mica	92. Supervisory Fireman	93. Fireman only in Mines
94. Compressor Driver	95. Pump Man Driver	96. Grinder in Mica Mines
97. Sirdhar Lathe Man	98. Muccatam (with Competency Certificate under Metalliferous MinesRegulations, 1961).	99. Geologist

and any other categories of workers by whatever name they are called, which are Skilled.

4. CLERICAL WORKERS

1. Store clerk	2. Tally Clerk	3. Store Issuer
4. Tool Keeper	5. Computer/Date Entry Operator	6. Record Keeper
7. Tracer	8. File Clerk	9. Register Keeper
10. Time Keeper	11. Clerk	12. Munshi
13. Store Attendant	14. Teller Clerk	15. Typist
16. Magazine Clerk	17. Telex or Telephone Operator	18. Hindi Translator
19. Assistant	20. Librarian	21. Assistant Magazine Clerk
22. Store Keeper		

and any other categories of workers by whatever name they are called, which are Clerical.

5. HIGHLY SKILLED WORKERS

1. Compounder	2. Overseer	3. Surveyor
4. Winding Engine Driver	5. Operator (Heavy Earth Moving Shovel and Bulldozer)	6. Head Mistry
7. Staff Nurse with Diploma	8. Drill Operator other than Jack Hammer	9. Electrical Supervisor with Competency Certificate
10. Underground Shift Boss	11. Head Mechanic	12. Qualified and Experienced Welder
13. Machine Tool Mechanic	14. Mechanical/Plant Foreman	15. Mining Supervisor
16. Vocational Training Instructor/Teacher	17. Head Electrician	18. Accountant
19. Steno with 7 years of service	20. Store Incharge	21. Shift Incharge
22. Supervisor	23. Incharge of Watch and Ward	24. Security Guard (Armed)

and any other categories of workers by whatever name they are called, which are highly skilled.

Explanation: For the purposes of this notification, -

- (a) the minimum rates of wages shall consist of all inclusive rates including the basic rates, the cost of living allowance, namely, special allowance and the cash value of the concessional supply, if any, of essential commodities;
- (b) the minimum rates of wages includes the wages for weekly day of rest;
- (c) the minimum rates of wages shall apply to employees engaged by contractors also;
- (d) the minimum rates of wages for disabled persons shall be the same as payable to the workers of the appropriate category;
- (e)
 - (i) “unskilled work” means work which involves simple operations requiring little or no skill or experience on the job;
 - (ii) “semi-skilled work” means work which involves some degree of skill or competence acquired through experience on the job which is capable of being performed under the supervision or guidance of a skilled employee and includes supervisory work;
 - (iii) “skilled work” means work which involves skill or competence acquired through experience on the job or through training as an apprentice in a technical or vocational institute and the performance of which calls for initiative and judgment;
 - (iv) “miner” means a worker who is directly involved or engaged in excavation or extraction by way of digging, picking, sorting, creasing, processing and loading and other incidental works thereto in a mine; and
 - (v) “highly skilled work” means work which calls for a high degree of perfection and full competence in the performance of certain task acquired through intensive technical or professional training or practical work experience for long years and also requires of a worker to assume full responsibility for his judgment or decision involves in the execution of these tasks;
- (f) a person working or employed in or in connection with a mine is said to be working or employed “below ground” if he is working or employed,-
 - (i) in a shaft which has been or in the course of being sunk; or
 - (ii) in any excavation which extends below superjacent ground; or
 - (iii) in an open cast working in which the depth of the excavation measured from its highest to its lowest point exceeds six metres;
- (g) where the existing rates of wages of any employee, based on contract or agreement or otherwise are higher than the rates notified, the higher rates shall be protected and treated as the minimum rates of wages for purpose of this notification;
- (h) where in any area the minimum rates of wages fixed by this notification are lower than the minimum rates of wages fixed by the State Government for the employees of the aforesaid Employments in relation to which the State Government is the appropriate Government, the rates of wages fixed by the State Government shall in respect of these areas, be deemed to be the minimum rates of wages payable under this notification;

- (i) men, women and transgender employees shall be entitled for the same rates of wages for the same work or works of a similar nature; and
- (j). the minimum rates of wages and Variable Dearness Allowance both constitute the minimum rates of wages to be enforceable under the Minimum Wages Act, 1948 (11 of 1948).

[F. No. S-32017/1/2016-WC (MW)]

Dr. D. CHAUDHURI, Dy. Director General

NOTIFICATION

New Delhi, the 19th January, 2017

S.O. 188(E).—Whereas the draft proposal to revise the minimum rates of wages per day payable to the Schedule mentioned categories of employees engaged in the employment of “Construction or Maintenance of Roads or Runways or in Building Operations including laying down Underground Electric, Wireless, Radio, Television, Telephone, Telegraph and Overseas Communication Cables and similar other underground Cabling Work, Electric Lines, Water Supply Lines and Sewerage Pipe Lines” was published in the Gazette of India, Extraordinary, Part II, section 3, sub-section (ii) as required by clause (b) of sub-section (1) of section 5 of the Minimum Wages Act, 1948 (11 of 1948) vide notification of the Government of India in the Ministry of Labour and Employment number S.O. 2834 (E), dated the 1st September, 2016 for information and inviting objections and suggestions from all persons likely to be affected thereby, till the expiry of the period of two months from the date on which copies of the Gazette of India containing the said notification were made available to the public;

AND whereas the copies of the said Gazette were made available to the public on the 2nd September, 2016;

AND whereas objections and suggestions received on the said proposal have been considered by the Central Government;

NOW, THEREFORE, in exercise of the powers conferred by clause (b) of sub-section (1) of section 3 read with clause (i) of sub-section (1) of section 4 and sub-section (2) of section 5 of the said Act, and in supersession of the notification of the Government of India in the Ministry of Labour and Employment, published in the Gazette of India, Part II, Section 3, Sub-section (ii), vide number S.O. 1285(E), dated the 20th May, 2009, except as respects things done or omitted to be done before such supersession, the Central Government after consulting the Advisory Board hereby revises the minimum rates of wages per day, as specified in columns (2) to (4) of the Schedule annexed hereto, payable to the categories of employees engaged in aforesaid employment.

(1). The revised minimum rates of wages, shall be effective from the date of publication of this notification in the Official Gazette.

(2) The revised minimum rates of wages shall consist of,—

(a) basic rates of wages as set out in columns (2), (3) and (4) of Part I of the Schedule mentioned hereunder and payable to the categories of employees in the aforesaid employment as specified in column (1) thereof; and

(b) a special allowance (hereinafter referred to as Variable Dearness Allowance) at the rate as set out in columns (2), (3) and (4) of Part II of the said Schedule and payable to the employees mentioned in column (1) thereof and the Variable Dearness Allowance shall be adjusted by the Chief Labour Commissioner (Central) at an interval of every six months commencing on 1st October and 1st April of every year on the basis of the average Consumer Price Index Number for Industrial Workers (Base 2001=100) for the preceding period of six months ending on 30th June and 31st December every year respectively, at the rate of and in the manner specified in the columns (2), (3) and (4) of Part II of the said Schedule.

SCHEDULE

Part -I: Basic Minimum Rates Wages

Category of Worker (1)	Minimum Rates of Basic wages per day (in Rupees)		
	(2) Area (A)	(3) Area (B)	(4) Area (C)
Unskilled Bajri Spreader, Beldar, Beater Women, Bell-Woman, Chain Man, Boat Man, Bucket Man, Carrier (Stone), Carrier (Water), Cartman, Caretaker (Bridge), Cleaner (Crane, Truck, Cinder for ash Pit), Chowkidar, Concrete (Hand Mixer), Daffadar, Driver (Bullock, Camel, Donkey, Mule), Flag Man, Flagman (Blast Train), Gate Man, Gangmen, Gatingman (Permanent Way), Handle Man, Jumper Man, Kamin (Female Work), Khalas, Bridge, Electrical, Marine, Moplah, Store, Steam Road, Share, Roller Survey, labourer (Garden), Mazdoor, Hole Cutter, Lorry Trainees, Petrolman, Peon, Searcher, Signal man, Strikers, Striker (Moplah gang), Sweeper, Tall Boy, Tile Turner, Trolley man, Vaks Controller, Valveman, Watchman, White Washer, Wooderman, Wooder Woman, Borryman, Coalman, Condenser, Attendant, Grass Cutter, Muchhars Jamadars, Condenser Attendant, Shunters, and any other categories by whatever name called, which are of an unskilled nature.	523.00	437.00	350.00
Semi-skilled / Unskilled Supervisory Belchawala, Bhisti, Bhisti (with Mushk), Boatman (head), Breaker, Breaker (Stone, Rock, Rock Stone, Stone Metal, Canweaver, Chainman (Head), Charpoy-Stringer, Checker, Cracker, Daftri, Dollyman, Assistant, Driller, Driver (Skin), Excavator, Ferroman, Fireman, Fireman (Brick Kiln, Steam Road Roller), Gate Keeper, Gharami Thatcher, Classman, Grater, Greaser-cum-Fireman, Grinder Hammerman, Helper (Artisan), Helper (Sawyer), Jamadar, Keyman, Khalasi (Head Survey, Rivertters-Moplah Gang, Supervisory), Labourer (Rock-Cutting), Lascar, Mali (Head), Mate, Mate (Blacksmith, Road, Carpenter), Engine Driver and/or Feeder, Fitter, Gang, Khalasi, Mazdoor Mason, Permanent Way, Pump-Driver, Turner), Mazdoor (Heavy-weight), Charge-man, Mistri (Head, Muccadam, Night-guard, Runner (Post dak), Oilman, Quarry man, Quarry Operator, Stoneman, Stocker, Thatcher, Stockers and Boilerman, Thoombaman (Spade worker), Tindals, Trolleyman (Head Motor), Fitter (Assistant Semi-Skilled), Jamadar, (Semi-skilled), Mate (Stone), Pump Attendant, Bearer, Breakman, Crowlder Man, Cook, Dandee, Frash, Hacksaw man, Helper (locco-Crane/Truck), Kasab, Khalasi (Structural), Laboratory Boy, Manjhee (Boatman), Masalchi P.M. Mates, Pointsman Sencummy, Topas, Topkar (Big Stone Breaker), Trolley Jamadar, Winchman, Attendance-keeper, Assistant Wireman and any other categories by whatever name called, which are of semi-skilled nature	579.00	494.00	410.00
Skilled Assistant Mistry, Armature Winder Grade-II and III, Bhandari, Blacksmith, Blacksmith (Selection Grade, Grade II, III, Class II and III) Boilerman, Boilerman Grade II and III, Boiler Foreman Grade II, Work (Assistant), Brick Layer, Bricklayer (Selection Grade, Class II), Blaster, Chowkidar (Head), Security Guard (without arms), Carpenter, Carpenter (Selection Grade, Grade II and III, Class I and III Assistant, B.I.M. Road, Cabinet Maker, Caneman, Celotex, Cutter Maker Chageman, Class II and Class III, Carpenter Ordinary), Checkder (Junior), Chick Maker, Chickman (Junior) Concrete Mixure Mixer, Concrete Mixure Operator, Cobbler, Coremaker, Driver, Driver Motor Vehicle, Motor Vehicle Selection Grade, Motor Lorry, Motor-Lorry Grade II, Lorry Grade II, Diesel Engine, Diesel Engine Grade II, Mechanical Road Roller I.C. and Cement Mixer	637.00	579.00	494.00

etc., Road Roller, Road Roller Driver Grade II, Driver (Engine Static, Stone Crusher, Tractor/Bull Dozer, Steam Road Roller, Water Pump, Mechanical Assistant, Road Roller, Mechanical, Steam Crane, Tractor with Bull Dozer Mechanical, Transport, Engine Static and Road Roller Boiler Attendant, Engine Operator (Stone Cursher Mechanical) Distemper, Electrician, Electrician (Grade II, Class II and Class III), Fitter, Fitter (Selection Grade, Grade II and III) class II and III Assistant, Pipe class II, Pipe Line ending Bars for reinforcement Cum-mechanic, Mechanic and Plumber), Gharami (Head), Glazier, Hole Drillar for Blasting, Joiner, Joiner (Cable, Cable Grade II), Lineman (Grade II,III, High Tension/Low Tension), Mason, Mason (Selection Grade, Grade II, III and Class B Mistry), Stone (Stone Class II, Brick Work, Stone work), Brick-layer, Tile Flooring, B.I.M., Muccadam (Head), Stone cutting, Ordinary Machanis, Mechanic, Mechanic (Class II, Air conditioning, Air conditioning Grade II, Diesel Grade II, Road Roller Grade II, Assistant, Radio), Manson (Gharami), Mistry, Mistry Grade II, Air conditioning Grade II, P. Way, Survey, Santras Works), Mason Class A, Moulder, Moulder (Brick, Tile), Painter, Painter (Selection Grade, Grade II and III, Class II, Assistant Lotter and Polisher, Polisher, Rough), Plasterer, Plasterer (Mason Grade II), Plumber, Plumber (Selection Grade, Class II, Assistant Lotter and Polisher, Rough), Plasterer, Plasterer (Mason Grade II), Plumber (Selection Grade, Class-II, Assistant Senior, Junior, Mistry Grade II), Plumbing Mistry, Plumber-cum-Fitter, Polisher, Polisher (Floor), Pump Driver, Pump Driver (Selection Grade), Grade II and III, Class II), Pump Driver (Selection Grade, P.E., Driver, Pumpman, Pumpman (Assistant), Plumber, Polisher (with spray) Grade II, Ratan Man, Rivet Cutter (Assistant) Rivetter, Rivetter (Cutter), Road Inspector Grade II, Railway Plate Layer, Rod Bender, Sawyer, Sawyer (Selection Grade Class II) Serang, Serangpile Driving Pantooms with Boiler, Shapeman, Shift-incharge, Sprayman, Sprayman (Roads), Stone Cutter, Stone Cutter (Selection Grade, Grade II, Class II), Stone Chisler, Stone Chisler (Class II), Stone Blasterer, Sub-Overseer (Unqualified), Surveyors, Surveyors (Assistant), Tailor, Tailor (Upholstry), Transprayer, Tar man, Line Man, Tiler Class II, Wall (Floor, Roof), Tiler (Selection Grade), Tin-Smith, Tin Smith (Selection Grade, Grade II and III, Class II) Tinker, Trailors, Turner, Upholsterer, Upholsterer (Grade II and III), Painter Spray (Class II), Wood Cutter, Wood Cutter Section Grade, Wood Cutter Class II, Work Sircar, Welder, Welder gas, Welder (Class II, Bridge work), Well Sinker, White Washer, White Washer (Selection Grade, Class II), Wireman, Wireman (Grade II and III, Mechanic, Electrical), White Washing and Colour Washing Man, Operator Pneumatic Tools, Operator (Fitter), Boreman, Borer, Chipper, Chipper-Cum-Grinder, Cook (Head), Driller, Driller (Well Boring), Driver (Loco/Truck), Electrician (Assistant), Mechanic (Tube-Well), MistryStell, Tube-Well, Telephone), Meter Reader, Meterorogical Observer, Navghani, Operaor (Batching Plant, Cinema Project, Clamp Shelf, Compressor, Grane, Dorrick, Diesel Engine, Doser, Dragling Drill Dumber, Excavator, Fork Lift Generator, Grader, JackHammer and Payment breaker Loader, Pump, Pile Driving, Scraper, Screening Plant, Shoval, Tractor, Vibrator, Weight Batcher, Railway Guards, Repairer (Battery), Sharper/Slotter, Sprayer (Ashalt) Station Master, Surveyor (Silt), Trades-Man, Train Examiner, Turner/Miller, TyreVulcaniser and any other categories by whatever name called, which are of a skilled nature.			
Clerical M. C. Clerk, Munshi (Matriculate, Non-matriculate), Store Clerk (Matriculate Non-matriculate), Store Issuer, Store Keeper, Store Keeper Grade I, Grade II, (Matriculate), Tally Clerk, Time Keeper, Time Keeper (Matriculate Non-Matriculate), Book Keeper, Work	637.00	579.00	494.00

Munshi, Work Munshi (Subordinate), Accounts Clerk, Clerks, Computer/Data Entry Operator, Telephone Operator, Typist, and any other categories by whatever name called which are of a clerical nature.			
Highly Skilled Armature Winder Grade I, Blacksmith Grade I and Class I, Boilerman Grade I, Boilerman Foreman Grade I, Brick Layer class I, Cable Joiner Grade I, Carpenter grade I and Class I, Celo Cutter and Decorator, Chargeman Class I, Checker (Sr) Driver Lorry Grade I, Motor Lorry Grade I, Motor Vehicle Class I and Diesel Engine Grade I, Road Roller Grade I, Pump Class Electrician Grade I and Class I/ Grade I, Fitter (Grade I, Class I), Pipe Class I (Head), Foreman (Assistant) Line Man Grade I Mason (Skilled Grade I, Class I), Mast Rig, Mechanic Class I and Class II, Mechanic (Diesel Grade I and Road Roller Grade I, Airconditioning Grade I/Class I, Mistry Grade I, Mistry (Airconditioning Grade I), Overseer, Overseer (Senior and Junior), Painter (Grade I, Class I, Spray) Plasterer (Mason) Class I, Plumber (Head, class I), Mistry Grade I, Polisher (with spray Grade I, Road Inspector Grade I, Sawyer Class I, Stone Cutter Class I, Stone Cutter Grade I, Stone Chisler Class I, Stone Mason Class I, Sub-Overseer (Qualified), Tiler Class I, Tinsmith Grade I and Class I, Upholsterer Grade I, Varnisher Class I, Welder-Cum-Fitter and Air Conditioning Mechanic, Welder (Gas) Class I, White Washer Class I, Wireman Grade I, Class I, Wood Cutter Class I, Grinder (Tool) Grade I, Operator (Batching Plant Grade I), Clamp Shell Grade I, Compressor Grade I, Crane Grade I, Diesel Engine Grade I, Dozer Grade I, Dragline Grade I, Drill Grade I, Dumper Grade I, Excavator Grade I, Fork Lift Grade I, Generator Grade I, Grader Grade I, Leader Grade I, Pile Driving Grade I, Pump Grade, Scrapper Grade I, Screening Plant Grade I, Pump Grade I, Scrapper Grade I, Screening Plant Grade I, Shovel Grade I, Shovel and Dragline, Tractor Grade I, Vibrator Grade I, Rigger Grade I, Rigger Grade II, Charper/Sletter Grade I, Shovel and Dragline Tractor Grade I, Tradesman Class I, Turner/Miller Grade I, Tyre vulcanser Grade I, Work (Assistant) Grade I, Security Guards (with arms)and any other categories by whatever name called, which are of a highly skilled nature.	693.00	637.00	579.00

PART-II

Categories of Workers	Rate of Variable Dearness Allowance for every point rise or fall beyond 271, which is the average monthly Consumer Price Index Number for industrial workers (Base year 2001=100), for the period January-June, 2016.		
	Area 'A'	Area 'B'	Area 'C'
(1)	(2)	(3)	(4)
1. Unskilled	1.93	1.61	1.29
2. Semi-skilled/ Unskilled-Supervisory	2.14	1.82	1.51
3. Skilled and Clerical	2.35	2.14	1.82
4. Highly Skilled	2.56	2.35	2.14

Explanation: For the purposes of this notification,-

- (a) Area "A" and Area "B" shall respectively comprise of all the places as specified in the Annexure to this notification and include all places within a distance of fifteen kilometres from the periphery of Municipal Corporation or Municipality or Cantonment Board or Notified Area Committee of a particular place, and Area "C" shall comprise of all the other places not mentioned in the Annexure to which the Minimum Wages Act, 1948 (11 of 1948) extends.

- (b) the places added or upgraded from time to time by the Ministry of Finance for the purposes of payment of House Rent Allowance to Central Government employees shall be taken to be added from such dates for the purposes of classification specified in the Annexure to this notification;
- (c) employees employed in the employments of construction or maintenance of roads or runways or building operation including laying down underground Electric, Wireless, Radio, Television, Telephone, Telegraph and over communication Cables and similar other under Cabling work, Electric lines, Water supply lines and sewerage lines in 'C' class areas where the minimum rates of wages have been fixed on area-wise basis and where the Central Government has sanctioned payment of winter allowance or hill allowance or any other special allowance shall be paid in addition to the minimum rates of wages fixed by the notification, an amount equal to ten per cent. of the minimum rates of wages so fixed;
- Provided that ten per cent.extra wages shall be paid in places, which are at a height of over 6,000 feet, above sea level.
- (d) workers employed on high rise structures, that is, on or above thirty feet height, even for one hour in a day shall be paid twenty percent extra wages of the minimum wages so fixed for the appropriate category;
- (e) workers employed on tunnel working shall be paid twenty percent extra of the minimum wages fixed under this notification for the appropriate category;
- (f) (i) **“unskilled work”** means work which involves simple operations requiring little or no skill or experience on the job;
- (ii) **“semi-skilled work”** means work which involves some degree of skill or competence acquired through experience on the job and which is capable of being performed under the supervision or guidance of a skilled employee and include unskilled supervisory work;
- (iii) **“skilled work”** means work which involves skill or competence acquired through experience on the job or through training as an apprentice in a technical or vocational institute and the performance of which calls for initiative and judgement;
- (iv) **“highly skilled work”** means work which calls for a degree of perfection and full competence in the performance of certain tasks including clerical work acquired through intensive technical or professional training or practical work experience for certain reasonable period and also requires of an worker to assume full responsibility for the judgement or decision involved in the execution of the tasks;
- (g) where in any area the minimum rates of wages fixed by this notification are lower than the minimum rates of wages fixed by the State Government for employees of the aforesaid employments in relation to which the State Government is the appropriate Government, the rates of wages fixed by the State Government shall in respect of these areas, be deemed to be the minimum rates of wages payable under this notification;
- (h) the minimum rates of wages include the wages for weekly day of rest;
- (i) the minimum rates of wages fixed by this notification are applicable to employees engaged by contractors also;
- (j) the minimum rates of wages payable to disabled employees shall be the same as payable to workers of the appropriate category;
- (k) men, women and transgender employees shall be entitled for the same rates of wages for the same work or work of similar nature; and
- (l) minimum rates of wages and special allowance both constitute the minimum rates of wages to be enforceable under the Minimum Wages Act, 1948 (11 of 1948).

[F. No. S-32017/1/2016-WC (MW)]

Dr. D. CHAUDHURI, Dy. Director General

ANNEXURE

CLASSIFICATION OF AREA

AREA-“A”					
Ahmedabad	(UA)	Hyderabad	(UA)	Faridabad complex	(M. Corpn)
Bangaluru	(UA)	Kanpur	(UA)	Ghaziabad	(UA)
Delhi	(UA)	Chennai	(UA)	Noida	
Greater Mumbai	(UA)	Nagpur	(UA)	Secunderabad	
Kolkata	(UA)	Lucknow	(UA)	Gurgaon	(M. Corpn)
Navi Mumbai	(UA)	Pune	(UA)		

AREA – “B”					
Agra	(UA)	Gwalior	(UA)	Port Blair	(UA)
Ajmer	(UA)	Hubli-Dharwad	(M. Corpn)	Puducherry	(UA)
Aligarh	(UA)	Indore	(UA)	Raipur	(UA)
Allahabad	(UA)	Jabalpur	(UA)	Raurkela	(UA)
Amravati	(M. Corpn)	Jaipur	(M. Corpn)	Rajkot	(UA)
Amritsar	(UA)	Jalandhar	(UA)	Ranchi	(UA)
Asansol	(UA)	Jalandhar-Cantt.	(UA)	Saharanpur	(M. Corpn)
Aurangabad	(UA)	Jammu	(UA)	Salem	(UA)
Bareilly	(UA)	Jamnagar	(UA)	Sangli	(UA)
Belgaum	(UA)	Jamshedpur	(UA)	Shillong	
Bhavnagar	(UA)	Jhansi	(UA)	Siliguri	(UA)
Bhiwandi	(UA)	Jodhpur	(UA)	Solapur	(M. Corpn)
Bhopal	(UA)	Kannur	(UA)	Srinagar	(UA)
Bhubaneshwar	(UA)	Kochi	(UA)	Surat	(UA)
Bikaner	(M. Corpn)	Kolhapur	(UA)	Thiruvananthapuram	(UA)
Bokaro Steel City	(UA)	Kollam	(UA)	Thrissur	(UA)
Chandigarh	(UA)	Kota	(M. Corpn)	Tiruchirappalli	(UA)
Coimbatore	(UA)	Kozhikode	(UA)	Tiruppur	(UA)
Cuttack	(UA)	Ludhiana	(M. Corpn)	Ujjain	(M. Corpn)
Dehradun	(UA)	Madurai	(UA)	Vadodara	(UA)
Dhanbad	(UA)	Malappuram	(UA)	Varanasi	(UA)
Durgapur	(UA)	Malegaon	(UA)	Vasai- Virar City	(M. Corpn)
Durg-Bhilai Nagar	(UA)	Mangalore	(UA)	Vijayawada	(UA)
Erode	(UA)	Meerut	(UA)	Vishakhapatnam	(M. Corpn)
Firozabad		Moradabad	(M. Corpn)	Warangal	(UA)
Goa		Mysore	(UA)		
Gorakhpur	(UA)	NandedWaghala	(M. Corpn)		
Greater Visakhapatnam	(M. Corpn)	Nasik	(UA)		
Gulbarga	(UA)	Nellore	(UA)		
Guntur	(UA)	Panchkula	(UA)		
Guwahati	(UA)	Patna	(UA)		

Note 1.-Area ‘C’ shall comprise all areas not mentioned in this list but to which the Minimum Wages Act, 1948 (11 of 1948) extends.

Note 2.- U.A. means Urban Agglomeration.

NOTIFICATION

New Delhi, the 19th January, 2017

S.O. 189(E).—Whereas the draft proposal to revise the minimum piece-rate wages and minimum guaranteed time-rate wages per day payable to the employees engaged in the employment of stone mines in the whole of India was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) vide notification of the Government of India in the Ministry of Labour and Employment number S.O. 2835(E), dated the 1st September, 2016 as required by clause (b) of sub-section (1) of section 5 of the Minimum Wages Act, 1948 (11 of 1948), for information and inviting objections and suggestions from all persons likely to be affected thereby, with in a period of two months from the date on which copies of the Gazette of India containing the said notification were made available to the public;

AND whereas the copies of the said Gazette were made available to the public on the 2nd September, 2016;

AND whereas objections and suggestions received on the said proposal have been considered by the Central Government;

NOW, THEREFORE, in exercise of the powers conferred by clause (b) of sub-section (1) of section 3 read with clause (i) of sub-section (1) of section 4 and sub-section (2) of section 5 of the said Act, and in supersession of the notification of the Government of India in the Ministry of Labour and Employment, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), vide number S.O. 278(E), dated the 3rd March, 2006, except as respects things done or omitted to be done before such supersession, the Central Government after consulting the Advisory Board hereby revises the minimum rates of wages per day, as specified in the Table below, payable to the employees engaged in the employment of stone mines in the whole of India.

(1). The revised minimum piece-rate wages and minimum guaranteed time-rate wages shall be effective from the date of publication of this notification in the Official Gazette.

(2) The said revised wages shall consist of basic rate of wages as set out in column (3) of the following Table, payable to the employees engaged in the work mentioned in column (2) thereof, and a special allowance [hereinafter referred to as Variable Dearness Allowance] at the rate set out in column (4) of the said Table for minimum piece rate of wages. The said Variable Dearness Allowance shall be adjusted by the Chief Labour Commissioner (Central) at an interval of every six months commencing on 1st October and 1st April of every year on the basis of the average Consumer Price Index Number for Industrial Workers (Base 2001=100) for the preceding period of six months ending on 30th June and 31st December every year respectively, at the rate of and in the manner specified in the column (4) of the said Table.

TABLE

Serial Number	Nature of Piece Work done by an employee	Proposed Basic Minimum Wage (In Rs.)	Rate of Variable Dearness Allowance for every point rise or fall beyond 271, which is the average monthly Consumer Price Index Number for industrial workers (Base year 2001=100), for the period January-June, 2016
(1)	(2)	(3)	(4)
1	Excavation and removal of over burden with 50 meters lead/1.5 meters lift*		
	(a) Soft Soil	351.00	1.30

	(b) Soft Soil with Rock	531.00	1.96
	(c) Rock	703.00	2.59
2	Removal and stacking of rejected stones with 50 meters lead/ 1.5 meters lift*	283.00	1.04
3	Stone breaking or Stone crushing size of category**		
	(a) 1.0 to 1.5 inches	2171.00	8.02
	(b) Above 1.5 to 3.0 Inches	1857.00	6.86
	(c) Above 3.0 to 5.0 Inches	1088.00	4.01
	(d) Above 5.0 Inches	893.00	3.30

* Per 2.831 cubic meters or 100 cubic feet.

** Per truck load of 5.662 cubic meters or 200 cubic feet.

Explanation: For the purposes of this notification,-

1. The basic minimum piece-rate of wages are inclusive of wages payable for the weekly day of rest;
2. the minimum rates of wages are applicable to employees engaged by contractors also;
3. where the prevailing rates of wages of any employee, based on contract or agreement or otherwise are higher than the rates notified under the said Act, the higher rates shall be protected and treated as the minimum rates of wages for purpose of this notification;
4. the minimum guaranteed wage, i.e. the fall-back wage for all piece rated employees shall be as specified under column (3) of the said Table against each category of work;
5. the employer shall not make any deductions whatsoever from the aforesaid piece-rate of wages on account of the cost of explosives, detonator, removal of soil, dewatering charges and similar other costs and the employer will supply material for blasting, drilling of holes and dewatering facilities;
6. the minimum rates of wages for disabled persons shall be the same as payable to the workers of the appropriate category;
7. men, women and transgender employees shall get the same rates of wages for the same work or works of a similar nature; and
8. the minimum rates of wages and Variable Dearness Allowance both constitute the minimum rates of wages to be enforceable under the Minimum Wages Act, 1948.

[F. No. S-32017/1/2016-WC (MW)]

Dr. D. CHAUDHURI, Dy. Director General

NOTIFICATION

New Delhi, the 19th January , 2017.

S.O. 190(E).— Whereas the draft proposal to revise the minimum rates of wages per day payable to the categories of employees mentioned in the Schedule annexed there to and engaged in the employment of “Sweeping and Cleaning excluding activities prohibited under the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993” was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), vide notification of the Government of India in the Ministry of Labour and Employment number S.O. 2836 (E), dated the 1st September, 2016, as required by clause (b) of sub-section (1) of section 5 of the Minimum Wages Act, 1948 (11 of 1948), for information and inviting objections and suggestions from all persons likely to be affected thereby, within a period of two months from the date on which copies of the Gazette of India containing the said notification were made available to the public;

AND whereas the copies of the said Gazette were made available to the public on the 2nd September, 2016;

AND whereas objections and suggestions received on the said proposal have been considered by the Central Government;

NOW, THEREFORE, in exercise of the powers conferred by clause (b) of sub-section (1) of section 3 read with clause (i) of sub-section (1) of section 4 and sub-section (2) of section 5 of the Minimum Wages Act, 1948 (11 of 1948), and in supersession of the notification of the Government of India in the Ministry of Labour and Employment, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), vide number S.O.1994(E), dated the 7th August, 2008, except as respects things done or omitted to be done before such supersession, the Central Government after consulting the Advisory Board hereby revises the minimum rates of wages payable to the employees engaged in the employment of Sweeping and Cleaning excluding activities prohibited under the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993.

(1) The revised minimum rates of wages shall be effective from the date of publication of this notification in the Official Gazette.

(2) The said revised wages shall consist of, –

(a) basic rates of wages as set out in column (2) of Part I of the Schedule mentioned hereunder; and

(b) a special allowance (hereinafter referred to as Variable Dearness Allowance) at the rate as set out in column (2) of Part II of the said Schedule and payable to the employees working in areas mentioned in column (1) thereof. The Variable Dearness Allowance shall be adjusted by the Chief Labour Commissioner (Central) at an interval of every six months commencing on 1st October and 1st April of every year on the basis of the average Consumer Price Index Number for Industrial Workers (Base2001=100) for the preceding period of six months ending on 30th June and 31stDecember every year respectively at the rate of and in the manner specified in the column (2) of Part II of the Schedule as below:

SCHEDULE

Part – I Basic rates of minimum wages :

Area	Minimum Wages per day (In Rupees)
(1)	(2)
A	523.00
B	437.00
C	350.00

Part – II Rate of Variable Dearness Allowance :

Area	Rate of Variable Dearness Allowance for every point rise or fall beyond 271, which is the average monthly Consumer Price Index Number for Industrial Workers.(Base 2001=100) for the period January-June, 2016.
Area	Variable Dearness Allowance (In Rupees)
(1)	(2)
A	1.93
B	1.61
C	1.29

Explanation: For the purposes of the notification,-

1. Area “A” and Area “B” as indicated in Annexure to this notification shall respectively comprise all the places as specified in the said Annexure as such areas, and include all places within a distance of fifteen kilometers from the periphery of a Municipal Corporation or Municipality or Cantonment Board or Notified Area Committee of a particular place. Area “C” shall comprise of all the other places not mentioned in Area “A” and “B” of the Annexure and to which the Minimum Wages Act, 1948 extends;
2. the places added or upgraded from time to time by the Ministry of Finance for the purpose of payment of House Rent Allowance to Central Government employees shall be taken to be added from the date of such addition or up-gradation for the purposes of classification specified in Annexure to this notification;
3. where the existing rates of wages of any employee based on contract or agreement or otherwise are higher than the rates notified herein, the higher rates shall be protected and treated as minimum rates of wages, applicable for the purpose of this notification to such employees;
4. the minimum rates of wages include the wages for weekly day of rest;
5. the minimum rates of wages are applicable to employees employed by contractors also;
6. the minimum rates of wages for disabled persons shall be same as payable to the workers of appropriate category;
7. the men, women and transgender employees shall get the same rates of wages for the same work or work of similar nature;
8. the minimum rates of wages and Variable Dearness Allowance both constitute the minimum rates of wages to be enforceable under the Minimum Wages Act, 1948 (11 of 1948);
9. where in any area the minimum rates of wages fixed by this notification are lower than the minimum rates of wages fixed by the State Government for employees of the aforesaid employments in relation to which the State Government is the appropriate Government, the rates of wages fixed by the State Government shall, in respect of such areas, be deemed to be the minimum rates of wages payable under this notification.

[F. No. S-32017/1/2016-WC (MW)]

Dr. D. CHAUDHURI, Dy. Director General

ANNEXURE

CLASSIFICATION OF AREAS

AREA – “A”					
Ahmedabad	(UA)	Hyderabad	(UA)	Faridabad complex	(M.Corpn)
Bangaluru	(UA)	Kanpur	(UA)	Ghaziabad	(UA)
Delhi	(UA)	Chennai	(UA)	Noida	
Greater Mumbai	(UA)	Nagpur	(UA)	Secunderabad	
Kolkata	(UA)	Lucknow	(UA)	Gurgaon	(M. Corpn)
Navi Mumbai	(UA)	Pune	(UA)		
AREA – “B”					
Agra	(UA)	Gwalior	(UA)	Port Blair	(UA)
Ajmer	(UA)	Hubli-Dharwad	(M. Corpn)	Puducherry	(UA)
Aligarh	(UA)	Indore	(UA)	Raipur	(UA)
Allahabad	(UA)	Jabalpur	(UA)	Raurkela	(UA)
Amravati	(M.Corpn)	Jaipur	(M.Corpn)	Rajkot	(UA)
Amritsar	(UA)	Jalandhar	(UA)	Ranchi	(UA)
Asansol	(UA)	Jalandhar-Cantt.	(UA)	Saharanpur	(M.Corpn)
Aurangabad	(UA)	Jammu	(UA)	Salem	(UA)
Bareilly	(UA)	Jamnagar	(UA)	Sangli	(UA)
Belgaum	(UA)	Jamshedpur	(UA)	Shillong	
Bhavnagar	(UA)	Jhansi	(UA)	Siliguri	(UA)
Bhiwandi	(UA)	Jodhpur	(UA)	Solapur	(M.Corpn)
Bhopal	(UA)	Kannur	(UA)	Srinagar	(UA)
Bhubaneswar	(UA)	Kochi	(UA)	Surat	(UA)
Bikaner	(M.Corpn)	Kolhapur	(UA)	Thiruvananthapuram	(UA)
Bokaro Steel City	(UA)	Kollam	(UA)	Thrissur	(UA)
Chandigarh	(UA)	Kota	(M.Corpn)	Tiruchirappalli	(UA)
Coimbatore	(UA)	Kozhikode	(UA)	Tiruppur	(UA)
Cuttack	(UA)	Ludhiana	(M.Corpn)	Ujjain	(M.Corpn)
Dehradun	(UA)	Madurai	(UA)	Vadodara	(UA)
Dhanbad	(UA)	Malappuram	(UA)	Varanasi	(UA)
Durgapur	(UA)	Malegaon	(UA)	Vasai- Virar City	(M.Corpn)
Durg-Bhilai Nagar	(UA)	Mangalore	(UA)	Vijayawada	(UA)
Erode	(UA)	Meerut	(UA)	Vishakhapatnam	(M.Corpn)
Firozabad		Moradabad	(M. Corpn)	Warangal	(UA)
Goa		Mysore	(UA)		
Gorakhpur	(UA)	NandedWaghala	(M. Corpn)		
Greater Visakhapatnam	(M.Corpn)	Nasik	(UA)		
Gulbarga	(UA)	Nellore	(UA)		
Guntur	(UA)	Panchkula	(UA)		
Guwahati	(UA)	Patna	(UA)		

Note 1.-Area ‘C’ shall comprise all areas not mentioned in this list but to which the Minimum Wages Act, 1948 (11 of 1948) extends.

Note 2.- U.A. means Urban Agglomeration.

NOTIFICATION

New Delhi, the 19th January , 2017.

S.O. 191(E).— Whereas the draft proposal to revise the minimum rates of wages per day payable to the categories of employees mentioned in the Schedule annexed thereto and engaged in the employment of “Watch and Ward” was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), *vide* notification of the Government of India in the Ministry of Labour and Employment number S.O. 2837 (E), dated the 1st September, 2016 as required by clause (b) of sub-section (1) of section 5 of the Minimum Wages Act, 1948 (11 of 1948), for information and inviting objections and suggestions from all persons likely to be affected thereby, within a period of two months from the date on which copies of the Gazette of India containing the said notification were made available to the public;

AND whereas the copies of the said Gazette were made available to the public on the 2nd September, 2016;

AND whereas objections and suggestions received on the said proposal have been considered by the Central Government;

NOW, THEREFORE, in exercise of the powers conferred by clause (b) of sub-section (1) of section 3 read with clause (i) of sub-section (1) of section 4 and sub-section (2) of section 5 of the said Act, and in supersession of the notification of the Government of India in the Ministry of Labour and Employment, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), *vide* numbers S.O.2233(E), dated the 18th September, 2008, except as respects things done or omitted to be done before such supersession, the Central Government after consulting the Advisory Board hereby revises the minimum rate of wages payable to the employees engaged in the employment of ‘Watch and Ward’.

(1) The revised minimum rates of wages shall be effective from the date of publication of this notification in the Official Gazette.

(2) The revised minimum rates shall consist of, –

(a) basic rates of wages as set out in column (2) of Part I of the Schedule mentioned hereunder; and

(b) a special allowance (hereinafter referred to as Variable Dearness Allowance) at the rate as set out in column (2) of Part II of the Schedule and payable to the employees working in areas mentioned in column (1) thereof. The Variable Dearness Allowance shall be adjusted by the Chief Labour Commissioner (Central) at an interval of every six months commencing on 1st October and 1st April of every year on the basis of the average Consumer Price Index Number for Industrial Workers (Base2001=100) for the preceding period of six months ending on 30th June and 31st December every year respectively at the rate of and in the manner specified in the column (2) of Part II of the Schedule as below:

SCHEDULE**Part – I Basic rates of wages**

Area	Daily wage (In Rupees)
(1)	(2)
Without arms(Skilled)	
A	637.00
B	579.00
C	494.00
With arms (Highly Skilled)	
A	693.00
B	637.00
C	579.00

Part – II Rate of Variable Dearness Allowance

Area	Rate of Variable Dearness Allowance for every point rise or fall beyond 271, which is the average monthly Consumer Price Index Number for Industrial Workers.(Base 2001=100) for the period January-June, 2016.
Area	Variable Dearness Allowance (In Rupees)
(1)	(2)
Without arms (Skilled)	
A	2.35
B	2.14
C	1.82
With arms (Highly Skilled)	
A	2.56
B	2.35
C	2.14

Explanation: For the purposes of the notification,-

- Area “A” and Area “B” as indicated in Annexure to this notification shall respectively comprise all the places as specified in the said annexure as such areas, and include all places within a distance of fifteen kilometres from the periphery of a Municipal Corporation or Municipality or Cantonment Board or Notified Area Committee of a particular place. Area “C” shall comprise of all the other places not mentioned in Area “A” and “B” of the Annexure and to which the Minimum Wages Act, 1948 (11 of 1948) extends;
- the places added or upgraded from time to time by the Ministry of Finance for the purposes of payment of House Rent Allowance to Central Government employees shall be taken to be added from the date of such addition or up-gradation for the purposes of classification specified in Annexure to this notification;
- where the existing rates of wages of any employee based on contract or agreement or otherwise are higher than the rates notified herein, the higher rates shall be protected and treated as minimum rates of wages, applicable for the purpose of this notification to such employees;
- “skilled work” means work which involves skill or competence acquired through experience on the job or through training as an apprentice in a technical or vocational institute and the performance of which calls for initiative and judgement;
 - “highly skilled work” means work which calls for a degree of perfection and full competence in the performance of certain tasks including clerical work acquired through intensive technical or professional training or practical work experience for certain reasonable period and also requires a worker to assume full responsibility for the judgement or decision involved in the execution of the tasks;
- the minimum rates of wages include the wages for weekly day of rest;

- (f) the minimum rates of wages are applicable to employees employed by contractors also;
- (g) the minimum rates of wages for disabled persons shall be the same as payable to the workers of appropriate category;
- (h) the men, women and transgender employees shall be entitled for the same rates of wages for the same work or work of similar nature;
- (i) the minimum rates of wages and Variable Dearness Allowance both constitute the minimum rates of wages to be enforceable under the Minimum Wages Act, 1948(11 of 1948); and
- (j) where in any area the minimum rates of wages fixed by this notification are lower than the minimum rates of wages fixed by the State Government for employees of the aforesaid Employments in relation to which the State Government is the appropriate Government, the rates of wages fixed by the State Government shall in respect of these areas, be deemed to be the minimum rates of wages payable under this notification.

[F. No. S-32017/1/2016-WC (MW)]

Dr. D. CHAUDHURI, Dy. Director General

ANNEXURE**CLASSIFICATION OF AREAS**

AREA – “A”					
Ahmedabad	(UA)	Hyderabad	(UA)	Faridabad complex	(M.Corp'n)
Bangaluru	(UA)	Kanpur	(UA)	Ghaziabad	(UA)
Delhi	(UA)	Chennai	(UA)	Noida	
Greater Mumbai	(UA)	Nagpur	(UA)	Secunderabad	
Kolkata	(UA)	Lucknow	(UA)	Gurgaon	(M. Corp'n)
Navi Mumbai	(UA)	Pune	(UA)		
AREA – “B”					
Agra	(UA)	Gwalior	(UA)	Port Blair	(UA)
Ajmer	(UA)	Hubli-Dharwad	(M. Corp'n)	Puducherry	(UA)
Aligarh	(UA)	Indore	(UA)	Raipur	(UA)
Allahabad	(UA)	Jabalpur	(UA)	Raurkela	(UA)
Amravati	(M.Corp'n)	Jaipur	(M.Corp'n)	Rajkot	(UA)
Amritsar	(UA)	Jalandhar	(UA)	Ranchi	(UA)
Asansol	(UA)	Jalandhar-Cantt.	(UA)	Saharanpur	(M.Corp'n)
Aurangabad	(UA)	Jammu	(UA)	Salem	(UA)
Bareilly	(UA)	Jamnagar	(UA)	Sangli	(UA)
Belgaum	(UA)	Jamshedpur	(UA)	Shillong	
Bhavnagar	(UA)	Jhansi	(UA)	Siliguri	(UA)
Bhiwandi	(UA)	Jodhpur	(UA)	Solapur	(M.Corp'n)
Bhopal	(UA)	Kannur	(UA)	Srinagar	(UA)
Bhubaneshwar	(UA)	Kochi	(UA)	Surat	(UA)
Bikaner	(M.Corp'n)	Kolhapur	(UA)	Thiruvananthapuram	(UA)
Bokaro Steel City	(UA)	Kollam	(UA)	Thrissur	(UA)
Chandigarh	(UA)	Kota	(M.Corp'n)	Tiruchirappalli	(UA)
Coimbatore	(UA)	Kozhikode	(UA)	Tiruppur	(UA)
Cuttack	(UA)	Ludhiana	(M.Corp'n)	Ujjain	(M.Corp'n)
Dehradun	(UA)	Madurai	(UA)	Vadodara	(UA)

Dhanbad	(UA)	Malappuram	(UA)	Varanasi	(UA)
Durgapur	(UA)	Malegaon	(UA)	Vasai- Virar City	(M.Corpn)
Durg-Bhilai Nagar	(UA)	Mangalore	(UA)	Vijayawada	(UA)
Erode	(UA)	Meerut	(UA)	Vishakhapatnam	(M.Corpn)
Firozabad		Moradabad	(M. Corpn)	Warangal	(UA)
Goa		Mysore	(UA)		
Gorakhpur	(UA)	NandedWaghala	(M. Corpn)		
Greater Visakhapatnam	(M.Corpn)	Nasik	(UA)		
Gulbarga	(UA)	Nellore	(UA)		
Guntur	(UA)	Panchkula	(UA)		
Guwahati	(UA)	Patna	(UA)		

Note 1.-Area 'C' shall comprise all areas not mentioned in this list but to which the Minimum Wages Act, 1948 (11 of 1948) extends.

Note 2.- U.A. means Urban Agglomeration.

NOTIFICATION

New Delhi, the 19th January , 2017.

S.O. 192(E).— Whereas the draft proposal to revise the minimum rates of wages per day payable to the categories of employees mentioned in the Schedule annexed thereto and engaged in the employment of “Loading and Unloading in (i) Goods-Sheds, Parcel Offices of Railways; (ii) Other Goods-sheds, Godowns, Warehouses and other similar employments; (iii) Docks and Ports; and (iv) Passenger Goods and Cargo carried out at Airports (both International and Domestic)” was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) *vide* notification of the Government of India in the Ministry of Labour and Employment number S.O. 2838 (E), dated the 1st September, 2016, as required by clause (b) of sub-section (1) of Section 5 of the Minimum Wages Act, 1948 (11 of 1948), for information and inviting objections and suggestions from all persons likely to be affected thereby, within a period of two months from the date on which copies of the Gazette of India containing the said notification were made available to the public;

AND whereas the copies of the said Gazette were made available to the public on the 2nd September, 2016;

AND whereas objections and suggestions received on the said proposal have been considered by the Central Government;

NOW, THEREFORE, in exercise of the powers conferred by clause (b) of sub-section (1) of Section 3 read with clause (i) of sub-section (1) of Section 4 and sub-section (2) of section 5 of the said Act, and in supersession of the notification of the Government of India in the Ministry of Labour and Employment, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), *vide* number S.O.1284(E), dated the 20th May, 2009, except as respects things done or omitted to be done before such supersession, the Central Government after consulting the Advisory Board hereby revises the minimum rate of wages payable to the employees engaged in the aforesaid employment.

(1) The revised minimum rates of wages shall be effective from the date of publication of this notification in the Official Gazette.

(2) The revised minimum wages shall consist of, –

(a) basic rates of wages as set out in column (2) of Part I of the Schedule mentioned hereunder; and

(b) a special allowance (hereinafter referred to as Variable Dearness Allowance) at the rate as set out in column (2) of Part II of the said Schedule and payable to the employees working in areas mentioned in column (1) thereof. The Variable Dearness Allowance shall be adjusted by the Chief Labour Commissioner (Central) at an interval of every six months commencing on 1st October and 1st April of every year on the basis of the average Consumer Price Index Number for Industrial Workers (Base2001=100) for the preceding period of six months ending on 30th June and 31stDecember every year respectively at the rate of and in the manner specified in the column (2) of Part II of the said Schedule as below:

SCHEDULE

Part – I Basic rates of minimum wages :

Area	Minimum Wages per day (In Rupees)
(1)	(2)
A	523.00
B	437.00
C	350.00

Part – II Rate of Variable Dearness Allowance :

Area	Rate of Variable Dearness Allowance for every point rise or fall beyond 271, which is the average monthly Consumer Price Index Number for Industrial Workers.(Base 2001=100) for the period January-June, 2016.
Area	Variable Dearness Allowance (In Rupees)
(1)	(2)
A	1.93
B	1.61
C	1.29

Explanation: For the purposes of the notification,-

- Area “A” and Area “B” as indicated in Annexure to this notification shall respectively comprise all the places as specified in the said Annexure as such areas, and include all places within a distance of fifteen kilometers from the periphery of a Municipal Corporation or Municipality or Cantonment Board or Notified Area Committee of a particular place. Area “C” shall comprise of all the other places not mentioned in Area “A” and “B” of the Annexure and to which the Minimum Wages Act, 1948 (11 of 1948) extends;
- the places added or upgraded from time to time by the Ministry of Finance for the purpose of payment of House Rent Allowance to Central Government employees shall be taken to be added from the date of such addition or up-gradation for the purposes of classification specified in Annexure to this notification;
- where the existing rates of wages of any employee based on contract or agreement or otherwise are higher than the rates notified herein, the higher rates shall be protected and treated as minimum rates of wages, applicable for the purpose of this notification to such employees;
- the minimum rates of wages include the wages for weekly day of rest;
- the minimum rates of wages are applicable to employees employed by contractors also;
- the minimum rates of wages for disabled persons shall be the same as payable to the workers of appropriate category;
- the men, women and transgender employees shall be entitled for the same rates of wages for the same work or work of similar nature;
- the minimum rates of wages and Variable Dearness Allowance both constitute the minimum rates of wages to be enforceable under the Minimum Wages Act, 1948(11 of 1948).

[F. No. S-32017/1/2016-WC (MW)]

Dr. D. CHAUDHURI, Dy. Director General

ANNEXURE

CLASSIFICATION OF AREAS

AREA – “A”					
Ahmedabad	(UA)	Hyderabad	(UA)	Faridabad complex	(M.Corp)
Bangaluru	(UA)	Kanpur	(UA)	Ghaziabad	(UA)
Delhi	(UA)	Chennai	(UA)	Noida	
Greater Mumbai	(UA)	Nagpur	(UA)	Secunderabad	
Kolkata	(UA)	Lucknow	(UA)	Gurgaon	(M. Corp)
Navi Mumbai	(UA)	Pune	(UA)		

AREA – “B”					
Agra	(UA)	Gwalior	(UA)	Port Blair	(UA)
Ajmer	(UA)	Hubli-Dharwad	(M. Corpn)	Puducherry	(UA)
Aligarh	(UA)	Indore	(UA)	Raipur	(UA)
Allahabad	(UA)	Jabalpur	(UA)	Raurkela	(UA)
Amravati	(M.Corp)	Jaipur	(M.Corp)	Rajkot	(UA)
Amritsar	(UA)	Jalandhar	(UA)	Ranchi	(UA)
Asansol	(UA)	Jalandhar-Cantt.	(UA)	Saharanpur	(M.Corp)
Aurangabad	(UA)	Jammu	(UA)	Salem	(UA)
Bareilly	(UA)	Jamnagar	(UA)	Sangli	(UA)
Belgaum	(UA)	Jamshedpur	(UA)	Shillong	
Bhavnagar	(UA)	Jhansi	(UA)	Siliguri	(UA)
Bhiwandi	(UA)	Jodhpur	(UA)	Solapur	(M.Corp)
Bhopal	(UA)	Kannur	(UA)	Srinagar	(UA)
Bhubaneswar	(UA)	Kochi	(UA)	Surat	(UA)
Bikaner	(M.Corp)	Kolhapur	(UA)	Thiruvananthapuram	(UA)
Bokaro Steel	(UA)	Kollam	(UA)	Thrissur	(UA)

City					
Chandigarh	(UA)	Kota	(M.Corp)	Tiruchirappalli	(UA)
Coimbatore	(UA)	Kozhikode	(UA)	Tiruppur	(UA)
Cuttack	(UA)	Ludhiana	(M.Corp)	Ujjain	(M.Corp)
Dehradun	(UA)	Madurai	(UA)	Vadodara	(UA)
Dhanbad	(UA)	Malappuram	(UA)	Varanasi	(UA)
Durgapur	(UA)	Malegaon	(UA)	Vasai- Virar City	(M.Corp)
Durg-Bhilai Nagar	(UA)	Mangalore	(UA)	Vijayawada	(UA)
Erode	(UA)	Meerut	(UA)	Vishakhapatnam	(M.Corp)
Firozabad		Moradabad	(M. Corp)	Warangal	(UA)
Goa		Mysore	(UA)		
Gorakhpur	(UA)	NandedWaghala	(M. Corp)		
Greater Visakhapatnam	(M.Corp)	Nasik	(UA)		
Gulbarga	(UA)	Nellore	(UA)		
Guntur	(UA)	Panchkula	(UA)		
Guwahati	(UA)	Patna	(UA)		

Note 1.-Area ‘C’ shall comprise all areas not mentioned in this list but to which the Minimum Wages Act, 1948 (11 of 1948) extends.

Note 2.- U.A. means Urban Agglomeration.

NOTIFICATION

New Delhi, the 19th January , 2017.

S.O. 193(E).— Whereas the draft proposal to amend the notification of the Government of India in the Ministry of Labour and Employment number S.O.2092 , dated the 23rd April, 1983, was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), *vide* notification of the Government of India in the Ministry of Labour and Employment number S.O. 2839(E), dated the 01st September, 2016, as required by section 27 of the Minimum Wages Act, 1948 (11 of 1948), for information and inviting objections and suggestions from all persons likely to be affected thereby, within a period of three months from the date on which copies of the Gazette of India containing the said notification were made available to the public;

AND whereas the copies of the said Gazette were made available to the public on the 2nd September, 2016;

AND whereas no objections and suggestions have been received on the said proposal by the Central Government;

NOW, THEREFORE, in exercise of the powers conferred by section 27 of the said Act the Central Government hereby makes the following amendment in the notification of Government of India in the Ministry of Labour and Employment, S.O. 2092, dated the 23rd April, 1983, published in the Gazette of India, Part II, Section 3, Sub-section (ii), namely:-

In the said notification, for the words “the employment in loading and unloading in Railways, goods sheds, docks and ports”, the words “the employment in loading and unloading in Railways, goods-sheds, docks, ports and airports (both International and Domestic terminals)” shall be substituted.

[F. No. S-32017/1/2016-WC (MW)]

Dr. D. CHAUDHURI, Dy. Director General

P.R. 34
SC - 20

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಹೆಚ್. ರಾಜ್‌ಕುಮಾರ್

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ

ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ (ಪ್ರ).

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 05 ಕೇಶಾಪ್ರ 2017, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 27-03-2017

ದಿನಾಂಕ 28-02-2017 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ-II ಸೆಕ್ಷನ್ (1) ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ The Specified Bank Notes (Cessation of Liabilities) Act, 2017 (No. 2 of 2017) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 28th February, 2017/Phalguna 9, 1938 (Saka)

The following Act of Parliament received the assent of the President on the 27th February, 2017, and is hereby published for general information:—

THE SPECIFIED BANK NOTES (CESSATION OF LIABILITIES)
ACT, 2017

No. 2 OF 2017

[27th February, 2017]

An Act to provide in the public interest for the cessation of liabilities on the specified bank notes and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Specified Bank Notes (Cessation of Liabilities) Act, 2017.

Short title and commencement.

(2) It shall be deemed to have come into force on the 31st day of December, 2016.

2. (1) In this Act, unless the context otherwise requires,—

Definitions.

(a) "appointed day" means the 31st day of December, 2016;

(b) "grace period" means the period to be specified by the Central Government, by notification, during which the specified bank notes can be deposited in accordance with this Act;

(c) "notification" means a notification published in the Official Gazette;

(d) "Reserve Bank" means the Reserve Bank of India constituted by the Central Government under section 3 of the Reserve Bank of India Act, 1934;

2 of 1934.

(e) "specified bank note" means a bank note of the denominational value of five hundred rupees or one thousand rupees of the series existing on or before the 8th day of November, 2016.

(2) The words and expressions used and not defined in this Act but defined in the Reserve Bank of India Act, 1934 or the Banking Regulation Act, 1949 shall have the meanings respectively assigned to them in those Acts.

2 of 1934.
10 of 1949.

Specified bank notes to cease to be liability of Reserve Bank or Central Government.

3. On and from the appointed day, notwithstanding anything contained in the Reserve Bank of India Act, 1934 or any other law for the time being in force, the specified bank notes which have ceased to be legal tender, in view of the notification of the Government of India in the Ministry of Finance, number S.O. 3407(E), dated the 8th November, 2016, issued under sub-section (2) of section 26 of the Reserve Bank of India Act, 1934, shall cease to be liabilities of the Reserve Bank under section 34 and shall cease to have the guarantee of the Central Government under sub-section (1) of section 26 of the said Act.

2 of 1934.

Exchange of specified bank notes.

4. (1) Notwithstanding anything contained in section 3, the following persons holding specified bank notes on or before the 8th day of November, 2016 shall be entitled to tender within the grace period with such declarations or statements, at such offices of the Reserve Bank or in such other manner as may be specified by it, namely:—

(i) a citizen of India who makes a declaration that he was outside India between the 9th November, 2016 to 30th December, 2016, subject to such conditions as may be specified, by notification, by the Central Government; or

(ii) such class of persons and for such reasons as may be specified by notification, by the Central Government.

(2) The Reserve Bank may, if satisfied, after making such verifications as it may consider necessary that the reasons for failure to deposit the notes within the period specified in the notification referred to in section 3, are genuine, credit the value of the notes in his Know Your Customer compliant bank account in such manner as may be specified by it.

(3) Any person, aggrieved by the refusal of the Reserve Bank to credit the value of the notes under sub-section (2), may make a representation to the Central Board of the Reserve Bank within fourteen days of the communication of such refusal to him.

Explanation.—For the purposes of this section, the expression "Know Your Customer compliant bank account" means the account which complies with the conditions specified in the regulations made by the Reserve Bank under the Banking Regulation Act, 1949.

10 of 1949.

Prohibition on holding transferring or receiving specified bank notes.

5. On and from the appointed day, no person shall, knowingly or voluntarily, hold, transfer or receive any specified bank note:

Provided that nothing contained in this section shall prohibit the holding of specified bank notes—

(a) by any person—

(i) up to the expiry of the grace period; or

(ii) after the expiry of the grace period,—

(A) not more than ten notes in total, irrespective of the denomination;

or

(B) not more than twenty-five notes for the purposes of study, research or numismatics;

(b) by the Reserve Bank or its agencies, or any other person authorised by the Reserve Bank;

(c) by any person on the direction of a court in relation to any case pending in the court.

6. Whoever knowingly and wilfully makes any declaration or statement specified under sub-section (1) of section 4, which is false in material particulars, or omits to make a material statement, or makes a statement which he does not believe to be true, shall be punishable with fine which may extend to fifty thousand rupees or five times the amount of the face value of the specified bank notes tendered, whichever is higher.

Penalty for contravention of section 4.

7. Whoever contravenes the provisions of section 5 shall be punishable with fine which may extend to ten thousand rupees or five times the amount of the face value of the specified bank notes involved in the contravention, whichever is higher.

Penalty for contravention of section 5.

8. (1) Where a person committing a contravention or default referred to in section 6 or section 7 is a company, every person who, at the time the contravention or default was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the contravention or default and shall be liable to be proceeded against and punished accordingly:

Offences by companies.

Provided that nothing contained in this sub-section shall render any such person liable to punishment if he proves that the contravention or default was committed without his knowledge or that he had exercised all due diligence to prevent the contravention or default.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the same was committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary, or other officer or employee of the company, such director, manager, secretary, other officer or employee shall also be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purpose of this section,—

(a) "a company" means any body corporate and includes a firm, a trust, a co-operative society and other association of individuals;

(b) "director", in relation to a firm or trust, means a partner in the firm or a beneficiary in the trust.

2 of 1974.

9. Notwithstanding anything contained in section 29 of the Code of Criminal Procedure, 1973, the court of a Magistrate of the First Class or the court of a Metropolitan Magistrate may impose a fine, for contravention of the provisions of this Act.

Special provisions relating to offences.

10. No suit, prosecution or other legal proceeding shall lie against the Government, the Reserve Bank or any of their officers for anything done or intended to be done in good faith under this Act.

Protection of action taken in good faith.

11. (1) The Central Government may, by notification, make rules for carrying out the provisions of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Power to
remove
difficulties.

12. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

Repeal and
savings.

13. (1) The Specified Bank Notes (Cessation of Liabilities) Ordinance, 2016 is hereby repealed.

Ord. 10 of
2016.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

P.R. 48
SC - 20

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,
ಹೆಚ್. ರಾಜ್‌ಕುಮಾರ್
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ (ಪ್ರ),
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ
ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯೂ 15 ಕೇನಿಪ್ರ 2017, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 25-03-2017

2017ನೇ ಸಾಲಿನ 04-01-2017 ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ-II ಸೆಕ್ಷನ್ 3(ii) ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ S.O. 19(E) ನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF RURAL DEVELOPMENT

NOTIFICATION

New Delhi, the 3rd January, 2017

S.O. 19(E).—Whereas, the use of Aadhaar as identity document for delivery of services or benefits or subsidies simplifies the Government delivery processes, brings in transparency and efficiency, and enables beneficiaries to get their entitlements directly in a convenient and seamless manner and Aadhaar obviates the need for producing multiple documents to prove one's identity;

And whereas, the Mahatma Gandhi National Rural Employment Guarantee Programme (hereinafter referred to as the Mahatma Gandhi NREGA) launched under the provisions of the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (42 of 2005) involves expenditure incurred from the Consolidated Fund of India;

Now, therefore, in pursuance of the provisions of section 7 of the Aadhaar (Targeted Delivery of Financial and other Subsidies, Benefits and Services) Act, 2016 (18 of 2016) (hereinafter referred to as the said Act), the Central Government in the Ministry of Rural Development hereby notifies the following, namely:—

1. (1) An individuals registered under the Mahatma Gandhi NREGA are hereby required to furnish proof of possession of Aadhaar or undergo Aadhaar authentication.

(2) Any individual registered under the Mahatma Gandhi NREGA who is not yet enrolled for Aadhaar shall have to apply for Aadhaar enrolment by 31st March, 2017, and in case she or he is entitled to obtain Aadhaar as per the provisions of section 3 of the said Act, such individuals may visit any Aadhaar enrolment centre (list available at www.uidai.gov.in) to get enrolled for Aadhaar.

(3) As per regulation 12 of the Aadhaar (Enrolment and Update) Regulations, 2016, the Department of Rural Development or Panchayati Raj, (In-charge MGNREGA) under the State Government or Union Territory Administrations is required to offer enrolment facilities for the beneficiaries who are not yet enrolled for Aadhaar and in case there are no Aadhaar enrolment centers located within the respective Block or Taluk or Tehsil, the said Department of Rural Development or Panchayati Raj (In-charge MGNREGA) may provide enrolment facilities at convenient locations in coordination with the existing Registrars of UIDAI or may provide Aadhaar enrolment facilities by becoming UIDAI Registrar:

Provided that till the time Aadhaar is assigned to the individual, she or he shall be allowed to work under the said Act subject to the production of the following documents, namely:-

(a) job card issued under Mahatma Gandhi NREGA;

(b)(i) if he has enrolled, his Aadhaar Enrolment ID slip; or

(ii) a copy of his request made for Aadhaar enrolment, as specified in sub-paragraph (2) of paragraph 2;

(c) (i) the voter identity card issued by the Election Commission of India; or (ii) ration card; or (iii) the driving license issued by the Licensing Authority under the Motor Vehicles Act, 1988; or (iv) the certificate of identity having photo of such member issued by a Gazetted Officer or a Tehsildar on an official letter head; or (v) the Kisan passbook with photo; or (vi) any other document specified by the State Government:

Provided further that the aforesaid documents shall be checked by an officer specifically designated by the State Government.

2. (1) In order to provide convenient and hassle free entitlements to the registered workers under the provisions of the said Act, the Department of Rural Development or Panchayati Raj (In-charge MGNREGA) shall make all the required arrangements including the following, namely:—

(2) Wide publicity through media and individual notices shall be given to applicants or beneficiaries to make them aware of the requirement of Aadhaar to work under Mahatma Gandhi NREGA. They may be advised to get themselves enrolled at the nearest enrolment centres available in their areas by 31st March, 2017. The list of locally available enrolment centres shall be made available to them.

(3) In case, the beneficiaries are not able to enrol due to non-availability of enrolment centres in the vicinity, the Department of Rural Development or Panchayati Raj (In-charge MGNREGA) of States Government or Union Territory Administrations is required to create enrolment facilities at the convenient locations and the applicants or beneficiaries may be requested to register their request for enrolment by giving their names with other details, such as, Job card number, address, Bank Account details, mobile number, etc., on a portal and such requests may also be registered with the Gram Panchayat or Block Office.

3. This notification shall come into effect from the date of its publication in the States and Union Territories except the States of Assam, Meghalaya, and the State of Jammu and Kashmir:

Provided that different dates may be notified for the States of Assam, Meghalaya, and the State of Jammu and Kashmir.

[No. K-11011/1/2016-RE-I(350117)]

APARAJITA SARANGI, Jt. Secy.

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ ೦೬ ಕೇಶಾಪ್ರ ೨೦೧೭, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: ೦೪-೦೪-೨೦೧೭

ದಿನಾಂಕ ೧೪-೦೩-೨೦೧೭ ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ-II ಸೆಕ್ಷನ್ (೧) ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ The Enemy Property (Amendment and Validation) Act, 2017 (No. 3 of 2017) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 14th March, 2017/Phalgun 23, 1938 (Saka)

The following Act of Parliament received the assent of the President on the 14th March, 2017 and is hereby published for general information:—

THE ENEMY PROPERTY (AMENDMENT AND VALIDATION) ACT, 2017

No. 3 OF 2017

[14th March, 2017.]

An Act further to amend the Enemy Property Act, 1968 and the Public Premises (Eviction of Unauthorised Occupants) Act, 1971.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Enemy Property (Amendment and Validation) Act, 2017. Short title and commencement.

(2) Save as otherwise provided in this Act, it shall be deemed to have come into force on the 7th day of January, 2016.

34 of 1968.

2. On and from the date of commencement of the Enemy Property Act, 1968 (hereinafter referred to as the principal Act), in section 2,— Amendment of section 2.

(i) in clause (b),—

(1) for the words "an enemy subject", the words "an enemy subject including his legal heir and successor whether or not a citizen of India or the citizen of a country which is not an enemy or the enemy, enemy subject or his legal heir and successor who has changed his nationality" shall be substituted and shall always be deemed to have been substituted;

(II) for the words "an enemy firm", the words "an enemy firm, including its succeeding firm whether or not partners or members of such succeeding firm are citizen of India or the citizen of a country which is not an enemy or such firm which has changed its nationality" shall be substituted and shall always be deemed to have been substituted;

(III) for the words "does not include a citizen of India", the words "does not include a citizen of India other than those citizens of India, being the legal heir and successor of the "enemy" or "enemy subject" or "enemy firm" shall be substituted and shall always be deemed to have been substituted;

(IV) the following *Explanations* shall be inserted and shall always be deemed to have been inserted at the end, namely:—

'Explanation 1.—For the purposes of this clause, the expression "does not include a citizen of India" shall exclude and shall always be deemed to have been excluded those citizens of India, who are or have been the legal heir and successor of an "enemy" or an "enemy subject" or an "enemy firm" which or who has ceased to be an enemy due to death, extinction, winding up of business or change of nationality or that the legal heir and successor is a citizen of India or the citizen of a country which is not an enemy.

Explanation 2.—For the purposes of this clause, it is hereby clarified that nothing contained in this Act shall affect any right of the legal heir and successor referred to in this clause (not being inconsistent to the provisions of this Act) which have been conferred upon him under any other law for the time being in force.';

(ii) in clause (c), in the proviso,—

(I) after the words "dies in the territories to which this Act extends", the words "or dies in any territory outside India" shall be inserted and shall always be deemed to have been inserted;

(II) the following *Explanations* shall be inserted and shall always be deemed to have been inserted at the end, namely:—

'Explanation 1.— For the purposes of this clause, it is hereby clarified that "enemy property" shall, notwithstanding that the enemy or the enemy subject or the enemy firm has ceased to be an enemy due to death, extinction, winding up of business or change of nationality or that the legal heir and successor is a citizen of India or the citizen of a country which is not an enemy, continue and always be deemed to be continued as an enemy property.

Explanation 2.—For the purposes of this clause, the expression "enemy property" shall mean and include and shall be deemed to have always meant and included all rights, titles and interest in, or any benefit arising out of, such property.'.

Amendment of section 5.

3. On and from the date of commencement of the principal Act, in section 5, after sub-section (2), the following shall be inserted, and shall always be deemed to have been inserted, namely:—

'(3) The enemy property vested in the Custodian shall, notwithstanding that the enemy or the enemy subject or the enemy firm has ceased to be an enemy due to death, extinction, winding up of business or change of nationality or that the legal heir and successor is a citizen of India or the citizen of a country which is not an enemy, continue to remain, save as otherwise provided in this Act, vested in the Custodian.

Explanation.—For the purposes of this sub-section, "enemy property vested in the Custodian" shall include and shall always be deemed to have been included all rights, titles, and interest in, or any benefit arising out of, such property vested in him under this Act.'

4. After section 5 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 5A.

"5A. The Custodian may, after making such inquiry as he deems necessary, by order, declare that the property of the enemy or the enemy subject or the enemy firm described in the order, vests in him under this Act and issue a certificate to this effect and such certificate shall be the evidence of the facts stated therein."

Issue of certificate by Custodian.

5. On and from the date of commencement of the principal Act, after section 5A (as so inserted by section 4 of this Act), the following shall be inserted and shall always be deemed to have been inserted, namely:—

Insertion of new section 5B.

'5B. Nothing contained in any law for the time being in force relating to succession or any custom or usage governing succession of property shall apply in relation to the enemy property under this Act and no person (including his legal heir and successor) shall have any right and shall be deemed not to have any right (including all rights, titles and interests or any benefit arising out of such property) in relation to such enemy property.

Law of succession or any custom or usage not to apply to enemy property.

Explanation.—For the purposes of this section, the expressions "custom" and "usage" signify any rule which, having been continuously and uniformly observed for a long time, has obtained the force of law in the matters of succession of property.'

6. On and from the date of commencement of the principal Act, for section 6 of the principal Act, the following section shall be substituted and shall always be deemed to have been substituted, namely:—

Amendment of section 6.

"6. (1) No enemy or enemy subject or enemy firm shall have any right and shall never be deemed to have any right to transfer any property vested in the Custodian under this Act, whether before or after the commencement of this Act and any transfer of such property shall be void and shall always be deemed to have been void.

Prohibition to transfer any property vested in Custodian by an enemy, enemy subject or enemy firm.

(2) Where any property vested in the Custodian under this Act had been transferred, before the commencement of the Enemy Property (Amendment and Validation) Act, 2017, by an enemy or enemy subject or enemy firm and such transfer has been declared, by an order, made by the Central Government, to be void, and the property had been vested or deemed to have been vested in the Custodian [by virtue of the said order made under section 6, as it stood before its substitution by section 6 of the Enemy Property (Amendment and Validation) Act, 2017] such property shall, notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority, continue to vest or be deemed to have been vested in the Custodian and no person (including an enemy or enemy subject or enemy firm) shall have any right or deemed to have any right (including all rights, titles and interests or any benefit arising out of such property) over the said property vested or deemed to have been vested in the Custodian."

7. In section 8 of the principal Act,—

Amendment of section 8.

(i) on and from the date of commencement of the principal Act, for sub-section (1), the following sub-section shall be substituted and shall always be deemed to have been substituted, namely:—

"(1) With respect to the property vested in the Custodian under this Act, the Custodian may take or authorise the taking of such measures as he considers necessary or expedient for preserving such property till it is disposed of in accordance with the provisions of this Act.";

(ii) in sub-section (2),—

(a) after clause (i), the following clause shall be inserted, namely:—

“(ia) fix and collect the rent, standard rent, lease rent, licence fee or usage charges, as the case may be, in respect of enemy property;”;

(b) after clause (iv), the following clause shall be inserted, namely:—

“(iva) secure vacant possession of the enemy property by evicting the unauthorised or illegal occupant or trespasser and remove unauthorised or illegal constructions, if any.”.

Insertion of new section 8A.

8. After section 8 of the principal Act, the following section shall be inserted, namely:—

Sale of property by Custodian.

"8A. (1) Notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority or any law for the time being in force, the Custodian may, within such time as may be specified by the Central Government in this behalf, dispose of whether by sale or otherwise, as the case may be, with prior approval of the Central Government, by general or special order, enemy properties vested in him immediately before the date of commencement of the Enemy Property (Amendment and Validation) Act, 2017 in accordance with the provisions of this Act, as amended by the Enemy Property (Amendment and Validation) Act, 2017.

(2) The Custodian may, for the purpose of disposal of enemy property under sub-section (1), make requisition of the services of any police officer to assist him and it shall be the duty of such officer to comply with such requisition.

(3) The Custodian shall, on disposal of enemy property under sub-section (1) immediately deposit the sale proceeds into the Consolidated Fund of India and intimate details thereof to the Central Government.

(4) The Custodian shall send a report to the Central Government at such intervals, as it may specify, for the enemy properties disposed of under sub-section (1), containing such details, (including the price for which such property has been sold and the particulars of the buyer to whom the properties have been sold or disposed of and the details of the proceeds of sale or disposal deposited into the Consolidated Fund of India) as it may specify.

(5) The Central Government may, by general or special order, issue such directions to the Custodian on the matters relating to disposal of enemy property under sub-section (1) and such directions shall be binding upon the Custodian and the buyer of the enemy properties referred to in that sub-section and other persons connected to such sale or disposal.

(6) The Central Government may, by general or special order, make such guidelines for disposal of enemy property under sub-section (1).

(7) Notwithstanding anything contained in this section, the Central Government may direct that disposal of enemy property under sub-section (1) shall be made by any other authority or Ministry or Department instead of Custodian and in that case all the provisions of this section shall apply to such authority or Ministry or Department in respect of disposal of enemy property under sub-section (1).

(8) Notwithstanding anything contained in sub-sections (1) to (7), the Central Government may deal with or utilise the enemy property in such manner as it may deem fit."

Insertion of new section 10A.

9. After section 10 of the principal Act, the following section shall be inserted, namely:—

Power to issue certificate of sale.

"10A. (1) Where the Custodian proposes to sell any enemy immovable property vested in him, to any person, he may on receipt of the sale proceeds of such property, issue a certificate of sale in favour of such person and such certificate of sale shall,

notwithstanding the fact that the original title deeds of the property have not been handed over to the transferee, be valid and conclusive proof of ownership of such property by such person.

(2) Notwithstanding anything contained in any law for the time being in force, the certificate of sale, referred to in sub-section (1), issued by the Custodian shall be a valid instrument for the registration of the property in favour of the transferee and the registration in respect of enemy property for which such certificate of sale had been issued by the Custodian, shall not be refused on the ground of lack of original title deeds in respect of such property or for any such other reason."

10. In section 11 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

Amendment of section 11.

“(3) The Custodian, Deputy Custodian or Assistant Custodian shall have, for the purposes of exercising powers or discharging his functions under this Act, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, while dealing with any case under this Act, in respect of the following matters, namely:—

5 of 1908.

(a) requiring the discovery and inspection of documents;

(b) enforcing the attendance of any person, including any officer dealing with land, revenue and registration matters, banking officer or officer of a company and examining him on oath;

(c) compelling the production of books, documents and other records; and

(d) issuing commissions for the examination of witnesses or documents."

11. In section 17 of the principal Act, in sub-section (1), for the words "two per centum", at both the places where they occur, the words "five per centum" shall be substituted.

Amendment of section 17.

12. For section 18 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 18.

"18. The Central Government may, on receipt of a representation from a person, aggrieved by an order vesting a property as enemy property in the Custodian within a period of thirty days from the date of receipt of such order or from the date of its publication in the Official Gazette, whichever is earlier and after giving a reasonable opportunity of being heard, if it is of the opinion that any enemy property vested in the Custodian under this Act and remaining with him was not an enemy property, it may by general or special order, direct the Custodian that such property vested as enemy property in the Custodian may be transferred to the person from whom such property was acquired and vested in the Custodian."

Transfer of property vested as enemy property in certain cases.

13. On and from the date of commencement of the principal Act, after section 18 (as so substituted by section 12 of this Act), the following section shall be inserted and shall always be deemed to have been inserted, namely:—

Insertion of new section 18A.

"18A. Any income received in respect of the enemy property by the Custodian shall not, notwithstanding that such property had been transferred by way of sale under section 8A or section 18, as the case may be, to any other person, be returned or liable to be returned to such person or any other person."

Income not liable to be returned.

14. After section 18A of the principal Act, (as so inserted by section 13 of this Act), the following sections shall be inserted, namely:—

Insertion of new sections 18B and 18C.

"18B. Save as otherwise provided in this Act, no civil court or authority shall have jurisdiction to entertain any suit or proceedings in respect of any property, subject matter of this Act, as amended by the Enemy Property (Amendment and Validation) Act, 2017", or any action taken by the Central Government or the Custodian in this regard.

Exclusion of jurisdiction of civil courts.

Appeal to
High Court.

18C. Any person aggrieved by an order of the Central Government under section 18 of this Act, may, within a period of sixty days from the date of communication or receipt of the order, file an appeal to the High Court on any question of fact or law arising out of such orders, and upon such appeal the High Court may, after hearing the parties, pass such orders thereon as it thinks proper:

Provided that the High Court may, if it is satisfied that the appellant was prevented by sufficient cause from filing an appeal within the said period, allow it to be filed within a further period not exceeding sixty days.

Explanation.—In this section, "High Court" means the High Court of a State or Union territory in which the property referred to in section 18 is situated."

Amendment
of section 20.

15. In section 20 of the principal Act, for the words "five hundred rupees" at both the places where they occur, the words "ten thousand rupees" shall be substituted.

Amendment of
section 22.

16. On and from the date of commencement of the principal Act, in section 22 of the principal Act, after the words "for the time being in force", the brackets and words "(including any law of succession or any custom or usage in relation to succession of property)" shall be inserted and shall always be deemed to have been inserted.

Insertion of
new section
22A.
Validation.

17. After section 22 of the principal Act, the following section shall be inserted and shall always be deemed to have been inserted with effect from the 2nd July, 2010, namely:—

"22A. Notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority,—

(a) the provisions of this Act, as amended by the Enemy Property (Amendment and Validation) Act, 2017, shall have and shall always be deemed to have effect for all purposes as if the provisions of this Act, as amended by the said Act, had been in force at all material times;

(b) any enemy property divested from the Custodian to any person under the provisions of this Act, as it stood immediately before the commencement of the Enemy Property (Amendment and Validation) Act, 2017, shall stand transferred to and vest or continue to vest, free from all encumbrances, in the Custodian in the same manner as it was vested in the Custodian before such divesting of enemy property under the provisions of this Act, as if the provisions of this Act, as amended by the aforesaid Act, were in force at all material times;

(c) no suit or other proceedings shall, without prejudice to the generality of the foregoing provisions, be maintained or continued in any court or tribunal or authority for the enforcement of any decree or order or direction given by such court or tribunal or authority directing divestment of enemy property from the Custodian vested in him under section 5 of this Act, as it stood before the commencement of the Enemy Property (Amendment and Validation) Act, 2017, and such enemy property shall continue to vest in the Custodian under section 5 of this Act, as amended by the aforesaid Act, as the said section, as amended by the aforesaid Act was in force at all material times;

(d) any transfer of any enemy property, vested in the Custodian, by virtue of any order of attachment, seizure or sale in execution of decree of a civil court or orders of any tribunal or other authority in respect of enemy property vested in the Custodian which is contrary to the provisions of this Act, as amended by the Enemy Property (Amendment and Validation) Act, 2017, shall be deemed to be null and void and notwithstanding such transfer, continue to vest in the Custodian under this Act."

Amendment of
section 23.

18. In section 23 of the principal Act, in sub-section (2), clause (d) shall be omitted.

Power to
remove
difficulties.

19. (1) If any difficulty arises in giving effect to the provisions of the principal Act, as amended by the Enemy Property (Amendment and Validation) Act, 2017, the Central Government may, by order, published in the Official Gazette, make such provisions not

40 of 1971. inconsistent with the provisions of this Act, as amended by the Enemy Property (Amendment and Validation) Act, 2017, or the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, as amended by the Enemy Property (Amendment and Validation) Act, 2017, as may appear to be necessary for removing the difficulty:

Ord. 8 of 2016. Provided that no such order shall be made under this section after the expiry of two years from the date on which the Enemy Property (Amendment and Validation) Bill, 2017, replacing the Enemy Property (Amendment and Validation) Fifth Ordinance, 2016, receives the assent of the President.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

20. In the Public Premises (Eviction of Unauthorised Occupants) Act, 1971,—

Amendment of sections 2 and 3 of Act 40 of 1971.

(a) in section 2, in clause (e), after sub-clause (3), the following sub-clause shall be inserted, namely:—

34 of 1968. "(4) any premises of the enemy property as defined in clause (c) of section 2 of the Enemy Property Act, 1968.";

(b) in section 3, in clause (a),—

(i) in the second proviso, the word "and" shall be omitted;

(ii) after the second proviso, the following proviso shall be inserted, namely:—

34 of 1968. "Provided also that the Custodian, Deputy Custodian and Assistant Custodian of the enemy property appointed under section 3 of the Enemy Property Act, 1968 shall be deemed to have been appointed as the Estate Officer in respect of those enemy property, being the public premises, referred to in sub-clause (4) of clause (e) of section 2 of this Act for which they had been appointed as the Custodian, Deputy Custodian and Assistant Custodian under section 3 of the Enemy Property Act, 1968."

Ord. 4 of 2010. **21.** Notwithstanding the cessation of the operation of the Enemy Property (Amendment and Validation) Ordinance, 2010, anything done or any action taken under the Enemy Property Act, 1968, or the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, as amended by the Enemy Property (Amendment and Validation) Ordinance, 2010, shall be deemed to have been done or taken under the corresponding provisions of those Acts, as amended by the Enemy Property (Amendment and Validation) Ordinance, 2010, as if the provisions of this Act, as amended by the said Ordinance had been in force at all material times. Savings.

Ord. 8 of 2016. **22.** (1) The Enemy Property (Amendment and Validation) Fifth Ordinance, 2016 is hereby repealed. Repeal and savings.

34 of 1968. (2) Notwithstanding such repeal, anything done or any action taken under the Enemy Property Act, 1968 as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of the said Act, as amended by this Act.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

P.R. 51
SC - 20

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,
ಹೆಚ್. ರಾಜ್‌ಕುಮಾರ್
ಸಹಾಯಕ ಪ್ರಾರೋಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ (ಪ್ರ),
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ
ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಾಖ್ಯಾ 18 ಕೇಶಾಪ್ರ 2017, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 30-05-2017

ದಿನಾಂಕ 05-05-2017 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ-II ಸೆಕ್ಷನ್ (1) ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ
The Taxation Laws (Amendment) Act, 2017 (No. 18 of 2017) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು
ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 5th May, 2017/Vaisakha 15, 1939 (Saka)

The following Act of Parliament received the assent of the President on the
04th April, 2017, and is hereby published for general information:—

THE TAXATION LAWS (AMENDMENT) ACT, 2017

No. 18 OF 2017

[4th May, 2017.]

An Act further to amend the Customs Act, 1962, the Customs Tariff Act, 1975,
the Central Excise Act, 1944, the Central Sales Tax Act, 1956, the Finance
Act, 2001 and the Finance Act, 2005 and to repeal certain enactments.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Taxation Laws (Amendment) Act, 2017.

Short title and
commence-
ment.

(2) It shall come into force on such date as the Central Government may, by notification
in the Official Gazette, appoint:

Provided that different dates may be appointed for different provisions of this Act and
any reference in any such provision to the commencement of this Act shall be construed as
a reference to the commencement of that provision.

CHAPTER I

CUSTOMS

52 of 1962.

2. In the Customs Act, 1962 (hereinafter referred to as the Customs Act), in section 2,
in clause (II), after the words "the area of a Customs station", the words "or a warehouse"
shall be inserted.

Amendment
of section 2.

Insertion of new
sections 108A
and 108B.
Obligation to
furnish
information.

3. In the Customs Act, after section 108, the following sections shall be inserted, namely:—

"108A. (1) Any person, being—

(a) a local authority or other public body or association; or

(b) any authority of the State Government responsible for the collection of value added tax or sales tax or any other tax relating to the goods or services; or

(c) an income-tax authority appointed under the provisions of the Income-tax Act, 1961;

43 of 1961.

(d) a Banking company within the meaning of clause (a) of section 45A of the Reserve Bank of India Act, 1934; or

2 of 1934.

(e) a co-operative bank within the meaning of clause (dd) of section 2 of the Deposit Insurance and Credit Guarantee Corporation Act, 1961; or

47 of 1961.

(f) a financial institution within the meaning of clause (c), or a non-banking financial company within the meaning of clause (f), of section 45-I of the Reserve Bank of India Act, 1934; or

2 of 1934.

(g) a State Electricity Board; or an electricity distribution or transmission licensee under the Electricity Act, 2003, or any other entity entrusted, as the case may be, with such functions by the Central Government or the State Government; or

36 of 2003.

(h) the Registrar or Sub-Registrar appointed under section 6 of the Registration Act, 1908; or

16 of 1908.

(i) a Registrar within the meaning of the Companies Act, 2013; or

18 of 2013.

(j) the registering authority empowered to register motor vehicles under Chapter IV of the Motor Vehicles Act, 1988; or

59 of 1988.

(k) the Collector referred to in clause (c) of section 3 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013; or

30 of 2013.

(l) the recognised stock exchange referred to in clause (f) of section 2 of the Securities Contracts (Regulation) Act, 1956; or

42 of 1956.

(m) a depository referred to in clause (e) of sub-section (1) of section 2 of the Depositories Act, 1996; or

22 of 1996.

(n) the Post Master General within the meaning of clause (j) of section 2 of the Indian Post Office Act, 1898; or

6 of 1898.

(o) the Director General of Foreign Trade within the meaning of clause (d) of section 2 of the Foreign Trade (Development and Regulation) Act, 1992; or

22 of 1992.

(p) the General Manager of a Zonal Railway within the meaning of clause (18) of section 2 of the Railways Act, 1989; or

24 of 1989.

(q) an officer of the Reserve Bank of India constituted under section 3 of the Reserve Bank of India Act, 1934,

2 of 1934.

who is responsible for maintaining record of registration or statement of accounts or holding any other information under any of the Acts specified above or under any other law for the time being in force, which is considered relevant for the purposes of this Act, shall furnish such information to the proper officer in such manner as may be prescribed by rules made under this Act.

(2) Where the proper officer considers that the information furnished under sub-section (1) is defective, he may intimate the defect to the person who has furnished

such information and give him an opportunity of rectifying the defect within a period of seven days from the date of such intimation or within such further period which, on an application made in this behalf, the proper officer may allow and if the defect is not rectified within the said period of seven days or, further period, as the case may be, so allowed, then, notwithstanding anything contained in any other provision of this Act, such information shall be deemed as not furnished and the provisions of this Act shall apply.

(3) Where a person who is required to furnish information has not furnished the same within the time specified in sub-section (1) or sub-section (2), the proper officer may serve upon him a notice requiring him to furnish such information within a period not exceeding thirty days from the date of service of the notice and such person shall furnish such information.

108B. Where the person who is required to furnish information under section 108A fails to do so within the period specified in the notice issued under sub-section (3) thereof, the proper officer may direct such person to pay, by way of penalty, a sum of one hundred rupees for each day of the period during which the failure to furnish such information continues."

Penalty for failure to furnish information return.

CHAPTER II

CUSTOMS TARIFF

51 of 1975.

4. In the Customs Tariff Act, 1975, in section 3,—

Amendment of section 3.

(a) in sub-section (2),—

(i) in clause (ii), for item (a), the following item shall be substituted, namely:—

"(a) the duty referred to in sub-sections (1), (3), (5), (7) and (9);";

(ii) in the proviso, in sub-clause (b), item (ii) shall be omitted;

(b) in sub-section (6), in clause (ii), for item (a), the following item shall be substituted, namely:—

"(a) the duty referred to in sub-sections (5), (7) and (9);";

(c) for sub-sections (7) and (8), the following sub-sections shall be substituted, namely:—

"(7) Any article which is imported into India shall, in addition, be liable to integrated tax at such rate, not exceeding forty per cent. as is leviable under section 5 of the Integrated Goods and Services Tax Act, 2017 on a like article on its supply in India, on the value of the imported article as determined under sub-section (8).

(8) For the purposes of calculating the integrated tax under sub-section (7) on any imported article where such tax is leviable at any percentage of its value, the value of the imported article shall, notwithstanding anything contained in section 14 of the Customs Act, 1962, be the aggregate of—

52 of 1962.

(a) the value of the imported article determined under sub-section (1) of section 14 of the Customs Act, 1962 or the tariff value of such article fixed under sub-section (2) of that section, as the case may be; and

52 of 1962.

(b) any duty of customs chargeable on that article under section 12 of the Customs Act, 1962, and any sum chargeable on that article under any law for the time being in force as an addition to, and in the same manner as, a duty of customs, but does not include the tax referred to in sub-section (7) or the cess referred to in sub-section (9).

52 of 1962.

(9) Any article which is imported into India shall, in addition, be liable to the goods and services tax compensation cess at such rate, as is leviable under section 8 of the Goods and Services Tax (Compensation to States) Cess Act, 2017 on a like article on its supply in India, on the value of the imported article as determined under sub-section (10).

(10) For the purposes of calculating the goods and services tax compensation cess under sub-section (9) on any imported article where such cess is leviable at any percentage of its value, the value of the imported article shall, notwithstanding anything contained in section 14 of the Customs Act, 1962, be the aggregate of—

52 of 1962.

(a) the value of the imported article determined under sub-section (1) of section 14 of the Customs Act, 1962 or the tariff value of such article fixed under sub-section (2) of that section, as the case may be; and

(b) any duty of customs chargeable on that article under section 12 of the Customs Act, 1962, and any sum chargeable on that article under any law for the time being in force as an addition to, and in the same manner as, a duty of customs, but does not include the tax referred to in sub-section (7) or the cess referred to in sub-section (9).

(11) The duty or tax or cess, as the case may be, chargeable under this section shall be in addition to any other duty or tax or cess, as the case may be, imposed under this Act or under any other law for the time being in force.

(12) The provisions of the Customs Act, 1962 and the rules and regulations made thereunder, including those relating to drawbacks, refunds and exemption from duties shall, so far as may be, apply to the duty or tax or cess, as the case may be, chargeable under this section as they apply in relation to the duties leviable under that Act."

52 of 1962.

CHAPTER III

CENTRAL EXCISE

Amendment
of section 2.

5. In the Central Excise Act, 1944 (hereinafter referred to as the Central Excise Act), in section 2,—

1 of 1944.

(a) in clause (d), for the words and figures "the First Schedule and the Second Schedule to the Central Excise Tariff Act, 1985", the words "the Fourth Schedule" shall be substituted;

5 of 1986.

(b) in clause (e) the words "other than salt" shall be omitted;

(c) in clause (f), in sub-clause (ii), for the words and figures "the First Schedule to the Central Excise Tariff Act, 1985", the words "the Fourth Schedule" shall be substituted.

5 of 1986.

Substitution of
new section
for section 3.

6. In the Central Excise Act, for section 3, the following section shall be substituted, namely:—

Duty specified
in the Fourth
Schedule to be
levied.

"3. (1) There shall be levied and collected in such manner as may be prescribed a duty of excise to be called the Central Value Added Tax (CENVAT) on all excisable goods (excluding goods produced or manufactured in special economic zones) which are produced or manufactured in India as, and at the rates, set forth in the Fourth Schedule:

Provided that the duty of excise which shall be levied and collected on any excisable goods which are produced or manufactured by a hundred per cent. export-oriented undertaking and brought to any other place in India, shall be an amount equal to the aggregate of the duties of customs which would be leviable under the Customs

- 52 of 1962. Act, 1962 or any other law for the time being in force, on like goods produced or manufactured outside India if imported into India, and where the said duties of customs are chargeable by reference to their value, the value of such excisable goods shall, notwithstanding anything contained in any other provision of this Act, be determined in accordance with the provisions of the Customs Act, 1962 and the Customs Tariff Act, 1975.
- 51 of 1975.

Explanation 1.—Where in respect of any such like goods, any duty of customs leviable for the time being in force is leviable at different rates, then, such duty shall, for the purposes of this proviso, be deemed to be leviable at the highest of those rates.

Explanation 2.—For the purposes of this sub-section,—

- 65 of 1951. (i) "hundred per cent. export-oriented undertaking" means an undertaking which has been approved as a hundred per cent. export-oriented undertaking by the Board appointed in this behalf by the Central Government in exercise of the powers conferred by section 14 of the Industries (Development and Regulation) Act, 1951, and the rules made under that Act;
- 28 of 2005. (ii) "Special Economic Zone" shall have the meaning assigned to it in clause (za) of section 2 of the Special Economic Zones Act, 2005.

(2) The provisions of sub-section (1) shall apply in respect of all excisable goods which are produced or manufactured in India by or on behalf of the Government, as they apply in respect of goods which are not produced or manufactured by the Government.

(3) The Central Government may, by notification in the Official Gazette, fix, for the purposes of levying the said duty, tariff values of any articles enumerated, either specifically or under general headings, in the Fourth Schedule as chargeable with duty *ad valorem* and may alter any tariff values for the time being in force.

(4) The Central Government may fix different tariff values—

- (a) for different classes or descriptions of the same excisable goods; or
- (b) for excisable goods of the same class or description—
- (i) produced or manufactured by different classes of producers or manufacturers; or
- (ii) sold to different classes of buyers:

Provided that in fixing different tariff values in respect of excisable goods falling under sub-clause (i) or sub-clause (ii), regard shall be had to the sale prices charged by the different classes of producers or manufacturers or, as the case may be, the normal practice of the wholesale trade in such goods."

- 5 of 1986. 7. In the Central Excise Act, in section 3A, in *Explanation 1*, for the words and figures, "First Schedule and the Second Schedule to the Central Excise Tariff Act, 1985", the words "Fourth Schedule" shall be substituted.

Amendment of section 3A.

8. In the Central Excise Act, after section 3A, the following sections shall be inserted, namely:—

Insertion of new sections 3B and 3C. Emergency power of Central Government to increase duty of excise.

"3B. (1) Where, in respect of any goods, the Central Government is satisfied that the duty leviable thereon under section 3 should be increased and that circumstances exist which render it necessary to take immediate action, the Central Government may, by notification in the Official Gazette, amend the Fourth Schedule to substitute the rate of duty specified therein in respect of such goods in the following manner, namely:—

- (a) in a case where the rate of duty as specified in the Fourth Schedule as in force immediately before the issue of such notification is nil, a rate of duty not exceeding fifty per cent. *ad valorem* expressed in any form or method;

(b) in any other case, a rate of duty which shall not be more than twice the rate of duty specified in respect of such goods in the Fourth Schedule as in force immediately before the issue of the said notification:

Provided that the Central Government shall not issue any notification under this sub-section for substituting the rate of duty in respect of any goods as specified by an earlier notification issued under this sub-section by that Government before such earlier notification has been approved with or without modifications under sub-section (2).

Explanation.—For the purposes of this sub-section, the term "form or method", in relation to a rate of duty of excise, means the basis, including valuation, weight, number, length, area, volume or any other measure, on which the duty may be levied.

(2) Every notification under sub-section (1) shall be laid before each House of Parliament, if it is in session, as soon as may be after the issue of the notification, and, if it is not in session, within seven days of its re-assembly, and the Central Government shall seek the approval of Parliament to the notification by a resolution moved within a period of fifteen days beginning with the day on which the notification is so laid before the House of the People and if Parliament makes any modification in the notification or directs that the notification should cease to have effect, the notification shall thereafter have effect only in such modified form or be of no effect, as the case may be, but without prejudice to the validity of anything previously done thereunder.

(3) Any notification issued under sub-section (1), including a notification approved or modified under sub-section (2), may be rescinded by the Central Government at any time by issuing notification in the Official Gazette.

Power of Central Government to amend Fourth Schedule.

3C. (1) Where the Central Government is satisfied that it is necessary so to do in the public interest, it may, by notification in the Official Gazette, amend the Fourth Schedule:

Provided that such amendment shall not alter or affect in any manner the rates specified in the Fourth Schedule at which the duties of excise shall be leviable on the goods specified therein."

Amendment of section 38.

9. In the Central Excise Act, in section 38, after the word, figure and letter "section 3A", the word, figure and letter "section 3C" shall be inserted.

Insertion of a new section 38B.

10. In the Central Excise Act, after section 38A, the following section shall be inserted, namely:—

Savings of references to Chapter, heading, sub-heading and tariff item in Central Excise Tariff Act, 1985.

"38B. Notwithstanding the repeal of the Central Excise Tariff Act, 1985 by sub-section (1) of section 174 of the Central Goods and Services Tax Act, 2017, any reference to the Chapter, heading, sub-heading or tariff item, as the case may be, in the First Schedule to the said Act or in any rules or regulations made thereunder, or in any notification, circular, order or instruction issued thereunder, shall mean a reference to the Chapter, heading, sub-heading or tariff item, as the case may be, in the Fourth Schedule."

5 of 1986.

Substitution of new Schedule for Third Schedule.

11. In the Central Excise Act, for the Third Schedule, the Schedule specified in the First Schedule shall be substituted.

Insertion of Fourth Schedule.

12. In the Central Excise Act, after the Third Schedule, the Schedule specified in the Second Schedule shall be inserted.

CHAPTER IV

CENTRAL SALES TAX

74 of 1956.

13. In the Central Sales Tax Act, 1956 (hereinafter referred to as the Central Sales Tax Act), in section 2,—

Amendment
of section 2.

(a) clause (c) shall be omitted;

(b) for clause (d), the following clause shall be substituted, namely:—

‘(d) “goods” means—

- (i) petroleum crude;
- (ii) high speed diesel;
- (iii) motor spirit (commonly known as petrol);
- (iv) natural gas;
- (v) aviation turbine fuel; and
- (vi) alcoholic liquor for human consumption;’.

14. In the Central Sales Tax Act, section 14 shall be omitted.

Omission of
section 14.

15. In the Central Sales Tax Act, section 15 shall be omitted.

Omission of
section 15.

CHAPTER V

MISCELLANEOUS

16. In the Finance Act, 2001, in the Seventh Schedule,—

Amendment
of Seventh
Schedule to
Act 14 of
2001.

(a) except tariff items 2402 20 10, 2402 20 20, 2402 20 30, 2402 20 40, 2402 20 50, 2402 20 90, 2402 90 10, 2403 11 10, 2403 19 10, 2403 19 21, 2403 19 29, 2403 19 90, 2403 91 00, 2403 99 10, 2403 99 20, 2403 99 30, 2403 99 40, 2403 99 50, 2403 99 60, 2403 99 90 and 2709 00 00 and the entries relating thereto, all other heading, sub-heading, tariff items and entries relating thereto shall be omitted;

(b) for tariff item 2709 00 00 and the entries relating thereto, the following tariff item and entries shall be substituted, namely:—

(1)	(2)	(3)	(4)
“2709 20 00	Petroleum Crude	Kg.	Rs. 50 per tonne”.

17. In the Finance Act, 2005, in the Seventh Schedule, tariff item 2106 90 20 and the entries relating thereto shall be omitted.

Amendment
of Seventh
Schedule to
Act 18 of
2005.

18. (1) The enactments specified in the third column of the Third Schedule are hereby repealed to the extent specified in the fourth column thereof.

Repeal and
savings of
certain
enactments.

(2) Notwithstanding the repeal under sub-section (1), such repeal shall not—

(a) affect any other law in which the repealed enactment has been applied, incorporated or referred to;

(b) affect the validity, invalidity, effect or consequences of anything already done or suffered or any right, title, obligation or liability already acquired, accrued or incurred or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing under the repealed enactment;

(c) affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed or recognised or derived by, in or from any enactment hereby repealed;

(d) revive or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

(2) The mention of particular matters in sub-section (1) shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897, with regard to the effect of repeals.

10 of 1897.

Collection and payment of arrears of duties.

19. Notwithstanding the repeal of the enactments specified in the Third Schedule, the proceeds of duties levied under the said enactments immediately preceding the date appointed under sub-section (2) of section 1,—

(i) if collected by the collecting agencies but not paid into the Reserve Bank of India; or

(ii) if not collected by the collecting agencies,

shall be paid or as the case may be, collected and paid into the Reserve Bank of India for being credited to the Consolidated Fund of India.

THE FIRST SCHEDULE

(See section 11)

"THE THIRD SCHEDULE

[See section 2 (f) (iii)]

NOTES

1. In this Schedule, "heading", "sub-heading" and "tariff item" mean respectively, a heading, sub-heading and tariff item in the Fourth Schedule.

2. The rules for the interpretation, the Section, Chapter Notes and the General Explanatory Notes of the Fourth Schedule shall apply to the interpretation of this Schedule.

Sl.No.	Heading, Sub-heading or Tariff item	Description of goods
1.	2402 20 10 to 2402 20 90	All Goods
2.	2403 99 10, 2403 99 20, 2403 99 30	Chewing tobacco and preparations containing chewing tobacco
3.	2403 99 90	Pan masala containing tobacco".

THE SECOND SCHEDULE

(See section 12)

“THE FOURTH SCHEDULE

[See section 2 (d) and 2 (f) (ii)]

General Rules for the interpretation of this Schedule

Classification of goods in this Schedule shall be governed by the following principles:

1. The titles of Sections, Chapters and Sub-Chapters are provided for ease of reference only; for legal purposes, classification shall be determined according to the terms of the headings and any relative Sections or Chapter Notes and, provided such headings or Notes do not otherwise require, according to the following provisions.

2. Any reference in a heading—

(a) to an article shall be taken to include a reference to that article incomplete or unfinished, provided that, as presented, the incomplete or unfinished article has the essential character of the complete or finished article. It shall also be taken to include a reference to that article complete or finished (or falling to be classified as complete or finished by virtue of this rule), presented unassembled or disassembled;

(b) to a material or substance shall be taken to include a reference to mixtures or combinations of that material or substance with other materials or substances. Any reference to goods of a given material or substance shall be taken to include a reference to goods consisting wholly or partly of such material or substance. The classification of goods consisting of more than one material or substance shall be according to the principles of rule 3.

3. When by application of clause (b) of rule 2 or for any other reason, goods are, *prima facie*, classifiable under two or more headings, classification shall be effected as follows:—

(a) the heading which provides the most specific description shall be preferred to headings providing a more general description. However, when two or more headings each refer to part only of the materials or substances contained in mixed or composite goods or to part only of the items in a set put up for retail sale, those headings are to be regarded as equally specific in relation to those goods, even if one of them gives a more complete or precise description of the goods;

(b) mixtures, composite goods consisting of different materials or made up of different components, and goods put up in sets for retail sale, which cannot be classified by reference to clause (a), shall be classified as if they consisted of the material or component which gives them their essential character, insofar as this criterion is applicable;

(c) when goods cannot be classified by reference to clause (a) or clause (b), they shall be classified under the heading which occurs last in numerical order among those which equally merit consideration.

4. Goods which cannot be classified in accordance with the above rules shall be classified under the heading appropriate to the goods to which they are most akin.

5. For legal purposes, the classification of goods in the sub-headings of a heading shall be determined according to the terms of those sub-headings and any related sub-heading Notes and, *mutatis mutandis*, to the above rules, on the understanding that only sub-headings at the same level are comparable. For the purposes of this rule, the relative Chapter Notes also apply, unless the context otherwise requires.

General Explanatory Notes

1. Where in column (2) of this Schedule, the description of an article or group of articles under a heading is preceded by "-", the said article or group of articles shall be taken to be a sub-classification of the article or group of articles covered by the said heading. Where, however, the description of an article or group of articles is preceded by "--", the said article or group of articles shall be taken to be a sub-classification of the immediately preceding description of the article or group of articles which has "-". Where the description of an article or group of articles is preceded by "---" or "----", the said article or group of articles shall be taken to be a sub-classification of the immediately preceding description of the article or group of articles which has "-" or "--".

1 of 1944.

2. The abbreviation "%" in column (4) of this Schedule, in relation to the rate of duty, indicates that the duty on the goods to which the entry relates shall be charged on the basis of the value of the goods fixed, defined or deemed to be, as the case may be, under or in sub-section (2), read with sub-section (3) of section 3 or section 4 or section 4A of the Central Excise Act, 1944, the duty being equal to such percentage of the value as is indicated in that column.

Additional Notes

In this Schedule,—

(1) The expression,—

(a) "heading", in respect of goods, means a description in list of tariff provisions accompanied by a four-digit number and includes all sub-headings of tariff items the first four-digits of which correspond to that number;

(b) "sub-heading", in respect of goods, means a description in the list of tariff provisions accompanied by a six-digit number and includes all tariff items the first six-digits of which correspond to that number;

(c) "tariff item" means a description of goods in the list of tariff provisions accompanying either eight-digit number and the rate of the duty of excise, or eight-digit number with blank in the column of the rate of duty;

(2) The list of tariff provisions is divided into Sections, Chapters and Sub-Chapters;

(3) In column (3), the standard unit of quantity is specified for each tariff item to facilitate the collection, comparison and analysis of trade statistics;

(4) "....." against any goods denotes that Central Excise duty under this Schedule is not leviable on such goods.

List of Abbreviations used

Abbreviations	For
1. kg.	Kilogram
2. Tu	Thousand in number

SECTION IV**TOBACCO AND MANUFACTURED TOBACCO SUBSTITUTES****NOTE**

In this Section, the expression "unit container" means a container, whether large or small (for example, tin, can, box, jar, bottle, bag or carton, drum, barrel or canister) designed to hold a predetermined quantity or number.

Chapter 24

TOBACCO AND MANUFACTURED TOBACCO SUBSTITUTES

NOTES

1. In this Chapter, "brand name" means a brand name, whether registered or not, that is to say, a name or a mark, such as a symbol, monogram, label, signature invented words or any writing which is used in relation to a product, for the purpose of indicating, or so as to indicate, a connection in the course of trade between the product and some person using such name or mark with or without any indication of the identity of that person.

2. In relation to products of heading 2401 or 2402 or 2403, labelling or relabelling of containers or repacking from bulk packs to retail packs or the adoption of any other treatment to render the product marketable to the consumer, shall amount to "manufacture".

3. In this Chapter, "Pan masala containing tobacco", commonly known as "gutkha" or by any other name, included in tariff item 2403 99 90, means any preparation containing betel-nuts and tobacco and any one or more of the following ingredients, namely:—

(i) lime; and

(ii) kattha(catechu),

whether or not containing any other ingredients, such as cardamom, copra and menthol.

SUB-HEADING NOTE

For the purposes of sub-heading 2403 11, the expression "water pipe tobacco" means tobacco intended for smoking in a water pipe and which consists of a mixture of tobacco and glycerol, whether or not containing aromatic oils and extracts, molasses or sugar, and whether or not flavoured with fruit. However, tobacco-free products intended for smoking in a water pipe are excluded from this sub-heading.

SUPPLEMENTARY NOTES

For the purposes of this Chapter:

(1) "tobacco" means any form of tobacco, whether cured or uncured and whether manufactured or not, and includes the leaf, stalks and stems of the tobacco plant, but does not include any part of a tobacco plant while still attached to the earth.

(2) "cut-tobacco" means the prepared or processed cut-to-size tobacco which is generally blended or moisturised to a desired extent for use in the manufacture of machine-rolled cigarettes.

(3) "smoking mixtures for pipes and cigarettes" of sub-heading 2403 10 does not cover "Gudaku".

Tariff item	Description of goods	Unit	Rate of Duty
(1)	(2)	(3)	(4)
2401	Unmanufactured Tobacco; Tobacco Refuse		
2401 10	- Tobacco, not stemmed or stripped :		
2401 10 10	--- Flue cured virginia tobacco	kg.	64%
2401 10 20	--- Sun cured country (natu) tobacco	kg.	64%
2401 10 30	--- Sun cured virginia tobacco	kg.	64%
2401 10 40	--- Burley tobacco	kg.	64%

(1)	(2)	(3)	(4)
2401 10 50	--- Tobacco for manufacture of biris, not stemmed	kg.	64%
2401 10 60	--- Tobacco for manufacture of chewing tobacco	kg.	64%
2401 10 70	--- Tobacco for manufacture of cigar and cheroot	kg.	64%
2401 10 80	--- Tobacco for manufacture of hookah tobacco	kg.	64%
2401 10 90	--- Other	kg.	64%
2401 20	- <i>Tobacco, partly or wholly stemmed or stripped :</i>		
2401 20 10	--- Flue cured virginia tobacco	kg.	64%
2401 20 20	--- Sun cured country (natu) tobacco	kg.	64%
2401 20 30	--- Sun cured virginia tobacco	kg.	64%
2401 20 40	--- Burley tobacco	kg.	64%
2401 20 50	--- Tobacco for manufacture of biris	kg.	64%
2401 20 60	--- Tobacco for manufacture of chewing tobacco	kg.	64%
2401 20 70	--- Tobacco for manufacture of cigar and cheroot	kg.	64%
2401 20 80	--- Tobacco for manufacture of hookah tobacco	kg.	64%
2401 20 90	--- Other	kg.	64%
2401 30 00	- Tobacco refuse	kg.	50%
2402	Cigars, cheroots, cigarillos and cigarettes, of tobacco or of tobacco substitutes		
2402 10	- <i>Cigars, cheroots and cigarillos, containing tobacco:</i>		
2402 10 10	--- Cigar and cheroots	Tu	12.5% or Rs. 4006 per thousand, whichever is higher
2402 10 20	--- Cigarillos	Tu	12.5% or Rs. 4006 per thousand, whichever is higher
2402 20	- <i>Cigarettes, containing tobacco:</i>		
2402 20 10	--- Other than filter cigarettes, of length not exceeding 65 millimetres	Tu	Rs. 1280 per thousand
2402 20 20	--- Other than filter cigarettes, of length exceeding 65 millimetres but not exceeding 70 millimetres	Tu	Rs. 2335 per thousand
2402 20 30	--- Filter cigarettes of length (including the length of the filter, the length of filter being 11 millimetres or its actual length, whichever is more) not exceeding 65 millimetres	Tu	Rs. 1280 per thousand
2402 20 40	--- Filter cigarettes of length (including the length of the filter, the length of filter being 11 millimetres		

(1)	(2)	(3)	(4)
	or its actual length, whichever is more) exceeding 65 millimetres but not exceeding 70 millimetres	Tu	Rs. 1740 per thousand
2402 20 50	--- Filter cigarettes of length (including the length of the filter, the length of filter being 11 millimetres or its actual length, whichever is more) exceeding 70 millimetres but not exceeding 75 millimetres	Tu	Rs. 2335 per thousand
2402 20 90	--- Other	Tu	Rs. 3375 per thousand
2402 90	- <i>Other:</i>		
2402 90 10	--- Cigarettes of tobacco substitutes	Tu	Rs. 3375 per thousand
2402 90 20	--- Cigarillos of tobacco substitutes	Tu	12.5 % or Rs. 4006 per thousand whichever is higher
2402 90 90	--- Other	Tu	12.5% or Rs. 4006 per thousand whichever is higher
2403	Other manufactured tobacco and manufactured tobacco substitutes;"Homogenised" or "Reconstituted" tobacco; Tobacco extracts and essences		
	- <i>Smoking tobacco, whether or not containing tobacco substitute in any proportion;</i>		
2403 11	-- <i>Water pipe tobacco specified in Sub-heading Note to this Chapter:</i>		
2403 11 10	--- Hukkah or gudaku tobacco	kg.	60%
2403 11 90	--- Other	kg.	60%
2403 19	-- <i>Other</i>		
2403 19 10	--- Smoking mixtures for pipes and cigarettes	kg.	360%
	--- Biris:		
2403 19 21	---- Other than paper rolled biris, manufactured without the aid of machine	Tu	Rs. 12 per thousand
2403 19 29	---- Other	Tu	Rs. 80 per thousand
2403 19 90	--- Other	kg.	40%
	- <i>Other:</i>		
2403 91 00	-- "Homogenised" or "reconstituted" tobacco	kg.	60%
2403 99	-- <i>Other:</i>		
2403 99 10	--- Chewing tobacco	kg.	81%
2403 99 20	--- Preparations containing chewing tobacco	kg.	60%

(1)	(2)	(3)	(4)
2403 99 30	--- Jarda scented tobacco	kg.	81%
2403 99 40	--- Snuff	kg.	60%
2403 99 50	--- Preparations containing snuff	kg.	60%
2403 99 60	--- Tobacco extracts and essence	kg.	60%
2403 99 70	--- Cut-tobacco	kg.	Rs. 70 per kg.
2403 99 90	--- Other	kg.	81%

SECTION V

MINERAL PRODUCTS

CHAPTER 27

MINERAL FUELS, MINERAL OILS AND PRODUCTS OF THEIR DISTILLATION; BITUMINOUS SUBSTANCES; MINERAL WAXES

NOTES

1. References in heading 2710 to "petroleum oils and oils obtained from bituminous minerals" include not only petroleum oils and oils obtained from bituminous minerals, but also similar oils, as well as those consisting mainly of mixed unsaturated hydrocarbons, obtained by any process, provided that the weight of the non-aromatic constituents exceeds that of the aromatic constituents.

However, the references do not include liquid synthetic polyolefins of which less than 60% by volume distils at 300°C, after conversion to 1,013 millibars when a reduced-pressure distillation method is used.

2. In relation to lubricating oils and lubricating preparations of heading 2710, labelling or relabelling of containers or repacking from bulk packs to retail packs or the adoption of any other treatment to render the product marketable to the consumer, shall amount to "manufacture".

3. In relation to natural gas falling under heading 2711, the process of compression of natural gas (even if it does not involve liquefaction), for the purpose of marketing it as Compressed Natural Gas (CNG), for use as a fuel or for any other purpose, shall amount to "manufacture".

SUB-HEADING NOTE

For the purposes of sub-heading 2710 12, "light oils and preparations" are those of which 90% or more by volume (including losses) distil at 210°C (ASTM D 86 method).

SUPPLEMENTARY NOTES

In this Chapter, the following expressions have the meanings hereby assigned to them:—

(1) "motor spirit" means any hydrocarbon oil (excluding crude mineral oil) which has its flash point below 25°C and which either by itself or in admixture with any other substance, is suitable for use as fuel in spark ignition engines. "Special boiling point spirits (tariff items 2710 12 11, 2710 12 12 and 2710 12 13)" means light oils, as defined in sub-heading Note 4, not containing any anti-knock preparations, and with a difference of not more than 60°C between the temperatures at which 5% and 90% by volume (including losses) distil;

(2) "natural gasoline liquid (NGL)" is a low-boiling liquid petroleum product extracted from Natural Gas;

(3) "aviation turbine fuel (ATF)" means any hydrocarbon oil conforming to the Indian Standards Specification of Bureau of Indian Standards IS : 1571:1992:2000;

(4) "high speed diesel (HSD)" means any hydrocarbon oil conforming to the Indian Standards Specification of Bureau of Indian Standards IS: 1460:2000;

(5) for the purposes of these additional notes, the tests prescribed have the meaning hereby assigned to them:—

(a) "Flash Point" shall be determined in accordance with the test prescribed in this behalf in the rules made under the Petroleum Act, 1934;

30 of 1934.

(b) "Smoke Point" shall be determined in the apparatus known as the Smoke Point Lamp in the manner indicated in the Indian Standards Institution Specification IS: 1448 (p. 31)-1967 for the time being in force;

(c) "Final Boiling Point" shall be determined in the manner indicated in the Indian Standards Institution Specification IS: 1448 (p.18)-1967 for the time being in force;

(d) "Carbon Residue" shall be determined in the apparatus known as Ramsbottom Carbon Residue Apparatus in the manner indicated in the Indian Standards Institution Specification IS: 1448 (p. 8)-1967 for the time being in force;

(e) "Colour Comparison Test" shall be done in the following manner, namely:—

(i) first prepare a five per cent. weight by volume solution of Potassium Iodine (analytical reagent quality) in distilled water;

(ii) to this, add Iodine (analytical reagent quality) in requisite amount to prepare an exactly 0.04 normal Iodine solution;

(iii) thereafter, compare the colour of the mineral oil under test with the Iodine solution so prepared.

Tariff item	Description of goods	Unit	Rate of Duty
(1)	(2)	(3)	(4)
2709	Petroleum oils and oils obtained from bituminous minerals, crude.	Kg.	....
2709 10 00	- Petroleum oils and oils obtained from bituminous minerals	Kg.	....
2709 20 00	- Petroleum crude		Nil
2710	Petroleum oils and oils obtained from bituminous minerals, other than crude; preparations not elsewhere specified or included, containing by weight 70% or more of petroleum oils or of oils obtained from bituminous minerals, these oils being the basic constituents of the preparations; waste oils		
	- <i>Petroleum oils and oils obtained from bituminous minerals (other than crude) and preparations not elsewhere specified or included, containing by weight 70% or more of petroleum oils or of oils obtained from bituminous minerals, these oils being the basic constituents of the preparations, other than those containing biodiesel and other than waste oil</i>		

(1)	(2)	(3)	(4)
2710 12	-- <i>Light oils and preparations:</i>		
	--- <i>Motor spirit (Commonly known as petrol):</i>		
2710 12 11	---- Special boiling point spirits (other than benzene, toluol) with nominal boiling point range 55-115 °C	Kg.	14%+Rs. 15.00 per litre
2710 12 12	---- Special boiling point spirits (other than benzene, toluene and toluol) with nominal boiling point range 63-70 °C	Kg.	14%+Rs. 15.00 per litre
2710 12 13	---- Other Special boiling points spirits (other than benzene, benzol, toluene and toluol)	Kg.	14%+Rs. 15.00 per litre
2710 12 19	---- Other	Kg.	14%+Rs. 15.00 per litre
2710 12 20	--- Natural gasoline Liquid	Kg.	14%+Rs. 15.00 per litre
2710 12 90	--- Other	Kg.	14%+Rs. 15.00 per litre
2710 19	-- <i>Other:</i>		
2710 19 10	--- Superior Kerosene oil (SKO)	Kg.	.....
2710 19 20	--- Aviation turbine Fuel (ATF)	Kg.	14%
2710 19 30	--- High speed diesel (HSD)	Kg.	14%+Rs. 15.00 per litre
2710 19 40	--- Light Diesel oil (LDO)	Kg.	.....
2710 19 50	--- Fuel oil	Kg.	.....
2710 19 60	--- Base oil	Kg.	.....
2710 19 70	--- Jute batching oil and textile oil	Kg.	.....
2710 19 80	--- Lubricating oil	Kg.	.....
2710 19 90	--- Other	Kg.	.....
	- <i>Waste oil:</i>		.....
2710 20 00	Petroleum oils and oils obtained from bituminous minerals (other than crude) and preparations not elsewhere specified or included, containing by weight 70% or more of petroleum oils or of oil obtained from bituminous minerals, these oils being the basic constituents of the preparations, containing biodiesel, other than waste oils	Kg.	.....
2710 91 00	- Containing Polychlorinated biphenyls (PCBs), polychlorinated terphenyls (PCTs) or polybrominated biphenyls (PBBs)	Kg.	.....
2710 99 00	-- Other	Kg.	.....
2711	Petroleum gases and other gaseous hydrocarbons		
	- <i>Liquefied:</i>		
2711 11 00	-- Natural gas	Kg.	14%

(1)	(2)	(3)	(4)
2711 12 00	-- Propane	Kg.	....
2711 13 00	-- Butane	Kg.	....
2711 14 00	-- Ethylene, propylene, butylene and butadiene	Kg.	....
2711 19 00	-- Other	Kg.	....
	- <i>In gaseous state:</i>		
2711 21 00	-- Natural gas	Kg.	14%
2711 29 00	-- Other	Kg.	....

THE THIRD SCHEDULE

(See section 15)

Year	No.	Short title of enactments	Extent of repeal
(1)	(2)	(3)	(4)
1947	24	The Rubber Act, 1947	Clause (b) of sub-section (I) of section 9 and section 12
1951	65	The Industries (Development and Regulation) Act, 1951	Section 9
1953	29	The Tea Act, 1953	Clause (c) of section 3, sections 25 and 26 and clause (a) of sub-section (I) of section 27
1974	28	The Coal Mines (Conservation and Development) Act, 1974	Sections 6, 7 and 8
1976	56	The Beedi Workers Welfare Cess Act, 1976	The Whole
1977	36	The Water (Prevention and Control of Pollution) Cess Act, 1977	The Whole
1982	3	The Sugar Cess Act, 1982	The Whole
1982	4	The Sugar Development Fund Act, 1982	Sub-section (2) of section 3
1983	28	The Jute Manufacturers Cess Act, 1983	The Whole
2004	23	The Finance (No. 2) Act, 2004	Section 93
2007	22	The Finance Act, 2007	Section 138
2010	14	The Finance Act, 2010	Chapter VII
2015	20	The Finance Act, 2015	Chapter VI
2016	28	The Finance Act, 2016	Chapters VI and VII

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಹೆಚ್. ರಾಜ್‌ಕುಮಾರ್

ಸಹಾಯಕ ಪ್ರಾರೋಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ

ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ (ಪ್ರ),

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ
ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಾಖ್ಯೆ ೦೮ ಕೇಶಾಪ್ರ ೨೦೧೭, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: ೦೩-೦೫-೨೦೧೭

ದಿನಾಂಕ ೦೭-೦೪-೨೦೧೭ ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ-II ಸೆಕ್ಷನ್ (೧) ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ
The Mental Healthcare Act, 2017 (No. 10 of 2017) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 7th April, 2017/Chaitra 17, 1939 (Saka)

The following Act of Parliament received the assent of the President on the 7th April, 2017, and is hereby published for general information:—

THE MENTAL HEALTHCARE ACT, 2017

No. 10 OF 2017

[7th April, 2017.]

An Act to provide for mental healthcare and services for persons with mental illness and to protect, promote and fulfil the rights of such persons during delivery of mental healthcare and services and for matters connected therewith or incidental thereto.

WHEREAS the Convention on Rights of Persons with Disabilities and its Optional Protocol was adopted on the 13th December, 2006 at United Nations Headquarters in New York and came into force on the 3rd May, 2008;

AND WHEREAS India has signed and ratified the said Convention on the 1st day of October, 2007;

AND WHEREAS it is necessary to align and harmonise the existing laws with the said Convention.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Mental Healthcare Act, 2017.

(2) It shall extend to the whole of India.

Short title,
extent and
commence-
ment.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; or on the date of completion of the period of nine months from the date on which the Mental Healthcare Act, 2017 receives the assent of the President.

Definitions.

2. (1) In this Act, unless the context otherwise requires,—

(a) “advance directive” means an advance directive made by a person under section 5;

(b) “appropriate Government” means,—

(i) in relation to a mental health establishment established, owned or controlled by the Central Government or the Administrator of a Union territory having no legislature, the Central Government;

(ii) in relation to a mental health establishment, other than an establishment referred to in sub-clause (i), established, owned or controlled within the territory of—

(A) a State, the State Government;

(B) a Union territory having legislature, the Government of that Union territory;

(c) “Authority” means the Central Mental Health Authority or the State Mental Health Authority, as the case may be;

(d) “Board” means the Mental Health Review Board constituted by the State Authority under sub-section (1) of section 80 in such manner as may be prescribed;

(e) “care-giver” means a person who resides with a person with mental illness and is responsible for providing care to that person and includes a relative or any other person who performs this function, either free or with remuneration;

(f) “Central Authority” means the Central Mental Health Authority constituted under section 33;

(g) “clinical psychologist” means a person—

(i) having a recognised qualification in Clinical Psychology from an institution approved and recognised, by the Rehabilitation Council of India, constituted under section 3 of the Rehabilitation Council of India Act, 1992; or

34 of 1992.

(ii) having a Post-Graduate degree in Psychology or Clinical Psychology or Applied Psychology and a Master of Philosophy in Clinical Psychology or Medical and Social Psychology obtained after completion of a full time course of two years which includes supervised clinical training from any University recognised by the University Grants Commission established under the University Grants Commission Act, 1956 and approved and recognised by the Rehabilitation Council of India Act, 1992 or such recognised qualifications as may be prescribed;

3 of 1956.

34 of 1992.

(h) “family” means a group of persons related by blood, adoption or marriage;

(i) “informed consent” means consent given for a specific intervention, without any force, undue influence, fraud, threat, mistake or misrepresentation, and obtained after disclosing to a person adequate information including risks and benefits of, and alternatives to, the specific intervention in a language and manner understood by the person;

(j) “least restrictive alternative” or “least restrictive environment” or “less

restrictive option” means offering an option for treatment or a setting for treatment which—

(i) meets the person’s treatment needs; and

(ii) imposes the least restriction on the person’s rights;

(k) “local authority” means a Municipal Corporation or Municipal Council, or Zilla Parishad, or Nagar Panchayat, or Panchayat, by whatever name called, and includes such other authority or body having administrative control over the mental health establishment or empowered under any law for the time being in force, to function as a local authority in any city or town or village;

(l) “Magistrate” means—

2 of 1974. (i) in relation to a metropolitan area within the meaning of clause (k) of section 2 of the Code of Criminal Procedure, 1973, a Metropolitan Magistrate;

(ii) in relation to any other area, the Chief Judicial Magistrate, Sub-divisional Judicial Magistrate or such other Judicial Magistrate of the first class as the State Government may, by notification, empower to perform the functions of a Magistrate under this Act;

(m) “medical officer in charge” in relation to any mental health establishment means the psychiatrist or medical practitioner who, for the time being, is in charge of that mental health establishment;

(n) “medical practitioner” means a person who possesses a recognised medical qualification—

102 of 1956. (i) as defined in clause (h) of section 2 of the Indian Medical Council Act, 1956, and whose name has been entered in the State Medical Register, as defined in clause (k) of that section; or

48 of 1970. (ii) as defined in clause (h) of sub-section (1) of section 2 of the Indian Medicine Central Council Act, 1970, and whose name has been entered in a State Register of Indian Medicine, as defined in clause (j) of sub-section (1) of that section; or

59 of 1973. (iii) as defined in clause (g) of sub-section (1) of section 2 of the Homoeopathy Central Council Act, 1973, and whose name has been entered in a State Register of Homoeopathy, as defined in clause (i) of sub-section (1) of that section;

(o) “Mental healthcare” includes analysis and diagnosis of a person's mental condition and treatment as well as care and rehabilitation of such person for his mental illness or suspected mental illness;

(p) “mental health establishment” means any health establishment, including Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homoeopathy establishment, by whatever name called, either wholly or partly, meant for the care of persons with mental illness, established, owned, controlled or maintained by the appropriate Government, local authority, trust, whether private or public, corporation, co-operative society, organisation or any other entity or person, where persons with mental illness are admitted and reside at, or kept in, for care, treatment, convalescence and rehabilitation, either temporarily or otherwise; and includes any general hospital or general nursing home established or maintained by the appropriate Government, local authority, trust, whether private or public, corporation, co-operative society, organisation or any other entity or person; but does not include a family residential place where a person with mental illness resides with his relatives or friends;

(q) “mental health nurse” means a person with a diploma or degree in general nursing or diploma or degree in psychiatric nursing recognised by the Nursing Council of India established under the Nursing Council of India Act, 1947 and registered as such with the relevant nursing council in the State; 38 of 1947.

(r) “mental health professional” means—

(i) a psychiatrist as defined in clause (x); or

(ii) a professional registered with the concerned State Authority under section 55; or

(iii) a professional having a post-graduate degree (Ayurveda) in Mano Vigyan Avum Manas Roga or a post-graduate degree (Homoeopathy) in Psychiatry or a post-graduate degree (Unani) in Moalijat (Nafasiyatt) or a post-graduate degree (Siddha) in Sirappu Maruthuvam;

(s) “mental illness” means a substantial disorder of thinking, mood, perception, orientation or memory that grossly impairs judgment, behaviour, capacity to recognise reality or ability to meet the ordinary demands of life, mental conditions associated with the abuse of alcohol and drugs, but does not include mental retardation which is a condition of arrested or incomplete development of mind of a person, specially characterised by subnormality of intelligence;

(t) “minor” means a person who has not completed the age of eighteen years;

(u) “notification” means a notification published in the Official Gazette and the expression “notify” shall be construed accordingly;

(v) “prescribed” means prescribed by rules made under this Act;

(w) “prisoner with mental illness” means a person with mental illness who is an under-trial or convicted of an offence and detained in a jail or prison;

(x) “psychiatric social worker” means a person having a post-graduate degree in Social Work and a Master of Philosophy in Psychiatric Social Work obtained after completion of a full time course of two years which includes supervised clinical training from any University recognised by the University Grants Commission established under the University Grants Commission Act, 1956 or such recognised qualifications, as may be prescribed; 3 of 1956.

(y) “psychiatrist” means a medical practitioner possessing a post-graduate degree or diploma in psychiatry awarded by an university recognised by the University Grants Commission established under the University Grants Commission Act, 1956, or awarded or recognised by the National Board of Examinations and included in the First Schedule to the Indian Medical Council Act, 1956, or recognised by the Medical Council of India, constituted under the Indian Medical Council Act, 1956, and includes, in relation to any State, any medical officer who having regard to his knowledge and experience in psychiatry, has been declared by the Government of that State to be a psychiatrist for the purposes of this Act; 3 of 1956. 102 of 1956.

(z) “regulations” means regulations made under this Act;

(za) “relative” means any person related to the person with mental illness by blood, marriage or adoption;

(zb) “State Authority” means the State Mental Health Authority established under section 45.

(2) The words and expressions used and not defined in this Act but defined in the Indian Medical Council Act, 1956 or the Indian Medicine Central Council Act, 1970 and not inconsistent with this Act shall have the meanings respectively assigned to them in those Acts. 102 of 1956. 48 of 1970.

CHAPTER II

MENTAL ILLNESS AND CAPACITY TO MAKE MENTAL HEALTHCARE AND TREATMENT DECISIONS

3. (1) Mental illness shall be determined in accordance with such nationally or internationally accepted medical standards (including the latest edition of the International Classification of Disease of the World Health Organisation) as may be notified by the Central Government.

Determination of mental illness.

(2) No person or authority shall classify a person as a person with mental illness, except for purposes directly relating to the treatment of the mental illness or in other matters as covered under this Act or any other law for the time being in force.

(3) Mental illness of a person shall not be determined on the basis of,—

(a) political, economic or social status or membership of a cultural, racial or religious group, or for any other reason not directly relevant to mental health status of the person;

(b) non-conformity with moral, social, cultural, work or political values or religious beliefs prevailing in a person's community.

(4) Past treatment or hospitalisation in a mental health establishment though relevant, shall not by itself justify any present or future determination of the person's mental illness.

(5) The determination of a person's mental illness shall alone not imply or be taken to mean that the person is of unsound mind unless he has been declared as such by a competent court.

4. (1) Every person, including a person with mental illness shall be deemed to have capacity to make decisions regarding his mental healthcare or treatment if such person has ability to—

Capacity to make mental healthcare and treatment decisions.

(a) understand the information that is relevant to take a decision on the treatment or admission or personal assistance; or

(b) appreciate any reasonably foreseeable consequence of a decision or lack of decision on the treatment or admission or personal assistance; or

(c) communicate the decision under sub-clause (a) by means of speech, expression, gesture or any other means.

(2) The information referred to in sub-section (1) shall be given to a person using simple language, which such person understands or in sign language or visual aids or any other means to enable him to understand the information.

(3) Where a person makes a decision regarding his mental healthcare or treatment which is perceived by others as inappropriate or wrong, that by itself, shall not mean that the person does not have the capacity to make mental healthcare or treatment decision, so long as the person has the capacity to make mental healthcare or treatment decision under sub-section (1).

CHAPTER III

ADVANCE DIRECTIVE

5. (1) Every person, who is not a minor, shall have a right to make an advance directive in writing, specifying any or all of the following, namely:—

Advance directive.

(a) the way the person wishes to be cared for and treated for a mental illness;

(b) the way the person wishes not to be cared for and treated for a mental illness;

(c) the individual or individuals, in order of precedence, he wants to appoint as his nominated representative as provided under section 14.

(2) An advance directive under sub-section (1) may be made by a person irrespective of his past mental illness or treatment for the same.

(3) An advance directive made under sub-section (1), shall be invoked only when such person ceases to have capacity to make mental healthcare or treatment decisions and shall remain effective until such person regains capacity to make mental healthcare or treatment decisions.

(4) Any decision made by a person while he has the capacity to make mental healthcare and treatment decisions shall over-ride any previously written advance directive by such person.

(5) Any advance directive made contrary to any law for the time being in force shall be *ab initio* void.

Manner of making advance directive.

6. An advance directive shall be made in the manner as may be specified by the regulations made by the Central Authority.

Maintenance of online register.

7. Subject to the provisions contained in clause (a) of sub-section (1) of section 91, every Board shall maintain an online register of all advance directives registered with it and make them available to the concerned mental health professionals as and when required.

Revocation, amendment or cancellation of advance directive.

8. (1) An advance directive made under section 6 may be revoked, amended or cancelled by the person who made it at any time.

(2) The procedure for revoking, amending or cancelling an advance directive shall be the same as for making an advance directive under section 6.

Advance directive not to apply to emergency treatment.

9. The advance directive shall not apply to the emergency treatment given under section 103 to a person who made the advance directive.

Duty to follow advance directive.

10. It shall be the duty of every medical officer in charge of a mental health establishment and the psychiatrist in charge of a person's treatment to propose or give treatment to a person with mental illness, in accordance with his valid advance directive, subject to section 11.

Power to review, alter, modify or cancel advance directive.

11. (1) Where a mental health professional or a relative or a care-giver of a person desires not to follow an advance directive while treating a person with mental illness, such mental health professional or the relative or the care-giver of the person shall make an application to the concerned Board to review, alter, modify or cancel the advance directive.

(2) Upon receipt of the application under sub-section (1), the Board shall, after giving an opportunity of hearing to all concerned parties (including the person whose advance directive is in question), either uphold, modify, alter or cancel the advance directive after taking into consideration the following, namely:—

(a) whether the advance directive was made by the person out of his own free will and free from force, undue influence or coercion; or

(b) whether the person intended the advance directive to apply to the present circumstances, which may be different from those anticipated; or

(c) whether the person was sufficiently well informed to make the decision; or

(d) whether the person had capacity to make decisions relating to his mental healthcare or treatment when such advanced directive was made; or

(e) whether the content of the advance directive is contrary to other laws or constitutional provisions.

(3) The person writing the advance directive and his nominated representative shall have a duty to ensure that the medical officer in charge of a mental health establishment or a medical practitioner or a mental health professional, as the case may be, has access to the advance directive when required.

(4) The legal guardian shall have right to make an advance directive in writing in respect of a minor and all the provisions relating to advance directive, *mutatis mutandis*, shall apply to such minor till such time he attains majority.

12. (1) The Central Authority shall regularly and periodically review the use of advance directives and make recommendations in respect thereof.

Review of
advance
directives.

(2) The Central Authority in its review under sub-section (1) shall give specific consideration to the procedure for making an advance directive and also examine whether the existing procedure protects the rights of persons with mental illness.

(3) The Central Authority may modify the procedure for making an advance directive or make additional regulations regarding the procedure for advance directive to protect the rights of persons with mental illness.

13. (1) A medical practitioner or a mental health professional shall not be held liable for any unforeseen consequences on following a valid advance directive.

Liability of
medical
health
professional
in relation to
advance
directive.

(2) The medical practitioner or mental health professional shall not be held liable for not following a valid advance directive, if he has not been given a copy of the valid advance directive.

CHAPTER IV

NOMINATED REPRESENTATIVE

14. (1) Notwithstanding anything contained in clause (c) of sub-section (1) of section 5, every person who is not a minor, shall have a right to appoint a nominated representative.

Appoint-
ment and
revocation
of nominated
representa-
tive.

(2) The nomination under sub-section (1) shall be made in writing on plain paper with the person's signature or thumb impression of the person referred to in that sub-section.

(3) The person appointed as the nominated representative shall not be a minor, be competent to discharge the duties or perform the functions assigned to him under this Act, and give his consent in writing to the mental health professional to discharge his duties and perform the functions assigned to him under this Act.

(4) Where no nominated representative is appointed by a person under sub-section (1), the following persons for the purposes of this Act in the order of precedence shall be deemed to be the nominated representative of a person with mental illness, namely:—

(a) the individual appointed as the nominated representative in the advance directive under clause (c) of sub-section (1) of section 5; or

(b) a relative, or if not available or not willing to be the nominated representative of such person; or

(c) a care-giver, or if not available or not willing to be the nominated representative of such person; or

(d) a suitable person appointed as such by the concerned Board; or

(e) if no such person is available to be appointed as a nominated representative, the Board shall appoint the Director, Department of Social Welfare, or his designated representative, as the nominated representative of the person with mental illness:

Provided that a person representing an organisation registered under the Societies Registration Act, 1860 or any other law for the time being in force, working for persons with mental illness, may temporarily be engaged by the mental health professional to discharge the duties of a nominated representative pending appointment of a nominated representative by the concerned Board. 21 of 1860.

(5) The representative of the organisation, referred to in the proviso to sub-section (4), may make a written application to the medical officer in-charge of the mental health establishment or the psychiatrist in-charge of the person's treatment, and such medical officer or psychiatrist, as the case may be, shall accept him as the temporary nominated representative, pending appointment of a nominated representative by the concerned Board.

(6) A person who has appointed any person as his nominated representative under this section may revoke or alter such appointment at any time in accordance with the procedure laid down for making an appointment of nominated representative under sub-section (1).

(7) The Board may, if it is of the opinion that it is in the interest of the person with mental illness to do so, revoke an appointment made by it under this section, and appoint a different representative under this section.

(8) The appointment of a nominated representative, or the inability of a person with mental illness to appoint a nominated representative, shall not be construed as the lack of capacity of the person to take decisions about his mental healthcare or treatment.

(9) All persons with mental illness shall have capacity to make mental healthcare or treatment decisions but may require varying levels of support from their nominated representative to make decisions.

Nominated
representative
of minor.

15. (1) Notwithstanding anything contained in section 14, in case of minors, the legal guardian shall be their nominated representative, unless the concerned Board orders otherwise under sub-section (2).

(2) Where on an application made to the concerned Board, by a mental health professional or any other person acting in the best interest of the minor, and on evidence presented before it, the concerned Board is of the opinion that,—

(a) the legal guardian is not acting in the best interests of the minor; or

(b) the legal guardian is otherwise not fit to act as the nominated representative of the minor,

it may appoint, any suitable individual who is willing to act as such, the nominated representative of the minor with mental illness:

Provided that in case no individual is available for appointment as a nominated representative, the Board shall appoint the Director in the Department of Social Welfare of the State in which such Board is located, or his nominee, as the nominated representative of the minor with mental illness.

Revocation,
alteration, etc.,
of nominated
representative
by Board.

16. The Board, on an application made to it by the person with mental illness, or by a relative of such person, or by the psychiatrist responsible for the care of such person, or by the medical officer in-charge of the mental health establishment where the individual is admitted or proposed to be admitted, may revoke, alter or modify the order made under clause (e) of sub-section (4) of section 14 or under sub-section (2) of section 15.

Duties of
nominated
representative.

17. While fulfilling his duties under this Act, the nominated representative shall—

(a) consider the current and past wishes, the life history, values, cultural background and the best interests of the person with mental illness;

- (b) give particular credence to the views of the person with mental illness to the extent that the person understands the nature of the decisions under consideration;
- (c) provide support to the person with mental illness in making treatment decisions under section 89 or section 90;
- (d) have right to seek information on diagnosis and treatment to provide adequate support to the person with mental illness;
- (e) have access to the family or home based rehabilitation services as provided under clause (c) of sub-section (4) of section 18 on behalf of and for the benefit of the person with mental illness;
- (f) be involved in discharge planning under section 98;
- (g) apply to the mental health establishment for admission under section 87 or section 89 or section 90;
- (h) apply to the concerned Board on behalf of the person with mental illness for discharge under section 87 or section 89 or section 90;
- (i) apply to the concerned Board against violation of rights of the person with mental illness in a mental health establishment;
- (j) appoint a suitable attendant under sub-section (5) or sub-section (6) of section 87;
- (k) have the right to give or withhold consent for research under circumstances mentioned under sub-section (3) of section 99.

CHAPTER V

RIGHTS OF PERSONS WITH MENTAL ILLNESS

18. (1) Every person shall have a right to access mental healthcare and treatment from mental health services run or funded by the appropriate Government.

Right to access mental-health care.

(2) The right to access mental healthcare and treatment shall mean mental health services of affordable cost, of good quality, available in sufficient quantity, accessible geographically, without discrimination on the basis of gender, sex, sexual orientation, religion, culture, caste, social or political beliefs, class, disability or any other basis and provided in a manner that is acceptable to persons with mental illness and their families and care-givers.

(3) The appropriate Government shall make sufficient provision as may be necessary, for a range of services required by persons with mental illness.

(4) Without prejudice to the generality of range of services under sub-section (3), such services shall include—

- (a) provision of acute mental healthcare services such as outpatient and inpatient services;
- (b) provision of half-way homes, sheltered accommodation, supported accommodation as may be prescribed;
- (c) provision for mental health services to support family of person with mental illness or home based rehabilitation;
- (d) hospital and community based rehabilitation establishments and services as may be prescribed;
- (e) provision for child mental health services and old age mental health services.

(5) The appropriate Government shall,—

- (a) integrate mental health services into general healthcare services at all levels

of healthcare including primary, secondary and tertiary healthcare and in all health programmes run by the appropriate Government;

(b) provide treatment in a manner, which supports persons with mental illness to live in the community and with their families;

(c) ensure that the long term care in a mental health establishment for treatment of mental illness shall be used only in exceptional circumstances, for as short a duration as possible, and only as a last resort when appropriate community based treatment has been tried and shown to have failed;

(d) ensure that no person with mental illness (including children and older persons) shall be required to travel long distances to access mental health services and such services shall be available close to a place where a person with mental illness resides;

(e) ensure that as a minimum, mental health services run or funded by Government shall be available in each district;

(f) ensure, if minimum mental health services specified under sub-clause (e) of sub-section (4) are not available in the district where a person with mental illness resides, that the person with mental illness is entitled to access any other mental health service in the district and the costs of treatment at such establishments in that district will be borne by the appropriate Government:

Provided that till such time the services under this sub-section are made available in a health establishment run or funded by the appropriate Government, the appropriate Government shall make rules regarding reimbursement of costs of treatment at such mental health establishment.

(6) The appropriate Government shall make available a range of appropriate mental health services specified under sub-section (4) of section 18 at all general hospitals run or funded by such Government and basic and emergency mental healthcare services shall be available at all community health centres and upwards in the public health system run or funded by such Government.

(7) Persons with mental illness living below the poverty line whether or not in possession of a below poverty line card, or who are destitute or homeless shall be entitled to mental health treatment and services free of any charge and at no financial cost at all mental health establishments run or funded by the appropriate Government and at other mental health establishments designated by it.

(8) The appropriate Government shall ensure that the mental health services shall be of equal quality to other general health services and no discrimination be made in quality of services provided to persons with mental illness.

(9) The minimum quality standards of mental health services shall be as specified by regulations made by the State Authority.

(10) Without prejudice to the generality of range of services under sub-section (3) of section 18, the appropriate Government shall notify Essential Drug List and all medicines on the Essential Drug List shall be made available free of cost to all persons with mental illness at all times at health establishments run or funded by the appropriate Government starting from Community Health Centres and upwards in the public health system:

Provided that where the health professional of ayurveda, yoga, unani, siddha, homoeopathy or naturopathy systems recognised by the Central Government are available in any health establishment, the essential medicines from any similar list relating to the appropriate ayurveda, yoga, unani, siddha, homoeopathy or naturopathy systems shall also be made available free of cost to all persons with mental illness.

(11) The appropriate Government shall take measures to ensure that necessary budgetary provisions in terms of adequacy, priority, progress and equity are made for effective implementation of the provisions of this section.

Explanation.—For the purposes of sub-section (11), the expressions—

(i) “adequacy” means in terms of how much is enough to offset inflation;

(ii) “priority” means in terms of compared to other budget heads;

(iii) “equity” means in terms of fair allocation of resources taking into account the health, social and economic burden of mental illness on individuals, their families and care-givers;

(iv) “progress” means in terms of indicating an improvement in the State’s response.

19. (1) Every person with mental illness shall,—

Right to community living.

(a) have a right to live in, be part of and not be segregated from society; and

(b) not continue to remain in a mental health establishment merely because he does not have a family or is not accepted by his family or is homeless or due to absence of community based facilities.

(2) Where it is not possible for a mentally ill person to live with his family or relatives, or where a mentally ill person has been abandoned by his family or relatives, the appropriate Government shall provide support as appropriate including legal aid and to facilitate exercising his right to family home and living in the family home.

(3) The appropriate Government shall, within a reasonable period, provide for or support the establishment of less restrictive community based establishments including half-way homes, group homes and the like for persons who no longer require treatment in more restrictive mental health establishments such as long stay mental hospitals.

20. (1) Every person with mental illness shall have a right to live with dignity.

Right to protection from cruel, inhuman and degrading treatment.

(2) Every person with mental illness shall be protected from cruel, inhuman or degrading treatment in any mental health establishment and shall have the following rights, namely:—

(a) to live in safe and hygienic environment;

(b) to have adequate sanitary conditions;

(c) to have reasonable facilities for leisure, recreation, education and religious practices;

(d) to privacy;

(e) for proper clothing so as to protect such person from exposure of his body to maintain his dignity;

(f) to not be forced to undertake work in a mental health establishment and to receive appropriate remuneration for work when undertaken;

(g) to have adequate provision for preparing for living in the community;

(h) to have adequate provision for wholesome food, sanitation, space and access to articles of personal hygiene, in particular, women’s personal hygiene be adequately addressed by providing access to items that may be required during menstruation;

(i) to not be subject to compulsory tonsuring (shaving of head hair);

(j) to wear own personal clothes if so wished and to not be forced to wear uniforms provided by the establishment; and

(k) to be protected from all forms of physical, verbal, emotional and sexual abuse.

Right to
equality and
non- discrimi-
nation.

21. (1) Every person with mental illness shall be treated as equal to persons with physical illness in the provision of all healthcare which shall include the following, namely:—

(a) there shall be no discrimination on any basis including gender, sex, sexual orientation, religion, culture, caste, social or political beliefs, class or disability;

(b) emergency facilities and emergency services for mental illness shall be of the same quality and availability as those provided to persons with physical illness;

(c) persons with mental illness shall be entitled to the use of ambulance services in the same manner, extent and quality as provided to persons with physical illness;

(d) living conditions in health establishments shall be of the same manner, extent and quality as provided to persons with physical illness; and

(e) any other health services provided to persons with physical illness shall be provided in same manner, extent and quality to persons with mental illness.

(2) A child under the age of three years of a woman receiving care, treatment or rehabilitation at a mental health establishment shall ordinarily not be separated from her during her stay in such establishment:

Provided that where the treating Psychiatrist, based on his examination of the woman, and if appropriate, on information provided by others, is of the opinion that there is risk of harm to the child from the woman due to her mental illness or it is in the interest and safety of the child, the child shall be temporarily separated from the woman during her stay at the mental health establishment:

Provided further that the woman shall continue to have access to the child under such supervision of the staff of the establishment or her family, as may be appropriate, during the period of separation.

(3) The decision to separate the woman from her child shall be reviewed every fifteen days during the woman's stay in the mental health establishment and separation shall be terminated as soon as conditions which required the separation no longer exist:

Provided that any separation permitted as per the assessment of a mental health professional, if it exceeds thirty days at a stretch, shall be required to be approved by the respective Authority.

(4) Every insurer shall make provision for medical insurance for treatment of mental illness on the same basis as is available for treatment of physical illness.

Right to
information.

22. (1) A person with mental illness and his nominated representative shall have the rights to the following information, namely:—

(a) the provision of this Act or any other law for the time being in force under which he has been admitted, if he is being admitted, and the criteria for admission under that provision;

(b) of his right to make an application to the concerned Board for a review of the admission;

(c) the nature of the person's mental illness and the proposed treatment plan which includes information about treatment proposed and the known side effects of the proposed treatment;

(d) receive the information in a language and form that such person receiving the information can understand.

(2) In case complete information cannot be given to the person with mental illness at the time of the admission or the start of treatment, it shall be the duty of the medical officer or psychiatrist in-charge of the person's care to ensure that full information is provided promptly when the individual is in a position to receive it:

Provided that where the information has not been given to the person with mental illness at the time of the admission or the start of treatment, the medical officer or psychiatrist in charge of the person's care shall give the information to the nominated representative immediately.

23. (1) A person with mental illness shall have the right to confidentiality in respect of his mental health, mental healthcare, treatment and physical healthcare.

Right to confidentiality.

(2) All health professionals providing care or treatment to a person with mental illness shall have a duty to keep all such information confidential which has been obtained during care or treatment with the following exceptions, namely:—

(a) release of information to the nominated representative to enable him to fulfil his duties under this Act;

(b) release of information to other mental health professionals and other health professionals to enable them to provide care and treatment to the person with mental illness;

(c) release of information if it is necessary to protect any other person from harm or violence;

(d) only such information that is necessary to protect against the harm identified shall be released;

(e) release only such information as is necessary to prevent threat to life;

(f) release of information upon an order by concerned Board or the Central Authority or High Court or Supreme Court or any other statutory authority competent to do so; and

(g) release of information in the interests of public safety and security.

24. (1) No photograph or any other information relating to a person with mental illness undergoing treatment at a mental health establishment shall be released to the media without the consent of the person with mental illness.

Restriction on release of information in respect of mental illness.

(2) The right to confidentiality of person with mental illness shall also apply to all information stored in electronic or digital format in real or virtual space.

25. (1) All persons with mental illness shall have the right to access their basic medical records as may be prescribed.

Right to access medical records.

(2) The mental health professional in charge of such records may withhold specific information in the medical records if disclosure would result in,—

(a) serious mental harm to the person with mental illness; or

(b) likelihood of harm to other persons.

(3) When any information in the medical records is withheld from the person, the mental health professional shall inform the person with mental illness of his right to apply to the concerned Board for an order to release such information.

Right to personal contacts and communication.

26. (1) A person with mental illness admitted to a mental health establishment shall have the right to refuse or receive visitors and to refuse or receive and make telephone or mobile phone calls at reasonable times subject to the norms of such mental health establishment.

(2) A person with mental illness admitted in a mental health establishment may send and receive mail through electronic mode including through e-mail.

(3) Where a person with mental illness informs the medical officer or mental health professional in charge of the mental health establishment that he does not want to receive mail or email from any named person in the community, the medical officer or mental health professional in charge may restrict such communication by the named person with the person with mental illness.

(4) Nothing contained in sub-sections (1) to (3) shall apply to visits from, telephone calls to, and from mail or e-mail to, and from individuals, specified under clauses (a) to (f) under any circumstances, namely:—

- (a) any Judge or officer authorised by a competent court;
- (b) members of the concerned Board or the Central Authority or the State Authority;
- (c) any member of the Parliament or a Member of State Legislature;
- (d) nominated representative, lawyer or legal representative of the person;
- (e) medical practitioner in charge of the person's treatment;
- (f) any other person authorised by the appropriate Government.

Right to legal aid.

27. (1) A person with mental illness shall be entitled to receive free legal services to exercise any of his rights given under this Act.

(2) It shall be the duty of magistrate, police officer, person in charge of such custodial institution as may be prescribed or medical officer or mental health professional in charge of a mental health establishment to inform the person with mental illness that he is entitled to free legal services under the Legal Services Authorities Act, 1987 or other relevant laws or under any order of the court if so ordered and provide the contact details of the availability of services.

39 of 1987.

Right to make complaints about deficiencies in provision of services.

28. (1) Any person with mental illness or his nominated representative, shall have the right to complain regarding deficiencies in provision of care, treatment and services in a mental health establishment to,—

- (a) the medical officer or mental health professional in charge of the establishment and if not satisfied with the response;
- (b) the concerned Board and if not satisfied with the response;
- (c) the State Authority.

(2) The provisions for making complaint in sub-section (1), is without prejudice to the rights of the person to seek any judicial remedy for violation of his rights in a mental health establishment or by any mental health professional either under this Act or any other law for the time being in force.

CHAPTER VI

DUTIES OF APPROPRIATE GOVERNMENT

Promotion of mental health and preventive programmes.

29. (1) The appropriate Government shall have a duty to plan, design and implement programmes for the promotion of mental health and prevention of mental illness in the country.

(2) Without prejudice to the generality of the provisions contained in sub-section (1), the appropriate Government shall, in particular, plan, design and implement public health programmes to reduce suicides and attempted suicides in the country.

30. The appropriate Government shall take all measures to ensure that,—

(a) the provisions of this Act are given wide publicity through public media, including television, radio, print and online media at regular intervals;

(b) the programmes to reduce stigma associated with mental illness are planned, designed, funded and implemented in an effective manner;

(c) the appropriate Government officials including police officers and other officers of the appropriate Government are given periodic sensitisation and awareness training on the issues under this Act.

Creating awareness about mental health and illness and reducing stigma associated with mental illness.

31. (1) The appropriate Government shall take measures to address the human resource requirements of mental health services in the country by planning, developing and implementing educational and training programmes in collaboration with institutions of higher education and training, to increase the human resources available to deliver mental health interventions and to improve the skills of the available human resources to better address the needs of persons with mental illness.

Appropriate Government to take measures as regard to human resource development and training, etc.

(2) The appropriate Government shall, at the minimum, train all medical officers in public healthcare establishments and all medical officers in the prisons or jails to provide basic and emergency mental healthcare.

(3) The appropriate Government shall make efforts to meet internationally accepted guidelines for number of mental health professionals on the basis of population, within ten years from the commencement of this Act.

32. The appropriate Government shall take all measures to ensure effective co-ordination between services provided by concerned Ministries and Departments such as those dealing with health, law, home affairs, human resources, social justice, employment, education, women and child development, medical education to address issues of mental health care.

Co-ordination within appropriate Government.

CHAPTER VII

CENTRAL MENTAL HEALTH AUTHORITY

33. The Central Government shall, within a period of nine months from the date on which this Act receives the assent of the President, by notification, establish, for the purposes of this Act, an Authority to be known as the Central Mental Health Authority.

Establishment of Central Authority.

34. (1) The Central Authority shall consist of the following, namely:—

Composition of Central Authority.

(a) Secretary or Additional Secretary to the Government of India in the Department of Health and Family Welfare—chairperson *ex officio*;

(b) Joint Secretary to the Government of India in the Department of Health and Family Welfare, in charge of mental health—member *ex officio*;

(c) Joint Secretary to the Government of India in the Department of Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homeopathy— member *ex officio*;

(d) Director General of Health Services—member *ex officio*;

(e) Joint Secretary to the Government of India in the Department of Disability Affairs of the Ministry of Social Justice and Empowerment— member *ex officio*;

(f) Joint Secretary to the Government of India in the Ministry of Women and Child Development— member *ex officio*;

(g) Directors of the Central Institutions for Mental Health—members *ex officio*;

(h) such other *ex officio* representatives from the relevant Central Government Ministries or Departments;

(i) one mental health professional as defined in item (iii) of clause (r) of sub-section (1) of section 2 having at least fifteen years experience in the field, to be nominated by the Central Government—member;

(j) one psychiatric social worker having at least fifteen years experience in the field, to be nominated by the Central Government—member;

(k) one clinical psychologist having at least fifteen years experience in the field, to be nominated by the Central Government—member;

(l) one mental health nurse having at least fifteen years experience in the field of mental health, to be nominated by the Central Government—member;

(m) two persons representing persons who have or have had mental illness, to be nominated by the Central Government—members;

(n) two persons representing care-givers of persons with mental illness or organisations representing care-givers, to be nominated by the Central Government—members;

(o) two persons representing non-governmental organisations which provide services to persons with mental illness, to be nominated by the Central Government—members;

(p) two persons representing areas relevant to mental health, if considered necessary.

(2) The members referred to in clauses (h) to (p) of sub-section (1), shall be nominated by the Central Government in such manner as may be prescribed.

Term of office, salaries and allowances of chairperson and members.

35. (1) The members of the Central Authority referred to in clauses (h) to (p) of sub-section (1) of section 34 shall hold office as such for a term of three years from the date of nomination and shall be eligible for reappointment:

Provided that a member shall not hold office as such after he has attained the age of seventy years.

(2) The chairperson and other *ex officio* members of the Authority shall hold office as such chairperson or member, as the case may be, so long as he holds the office by virtue of which he is nominated.

(3) The salaries and allowances payable to, and the other terms and conditions of service of, the chairperson and other members shall be such as may be prescribed.

Resignation.

36. A member of the Central Authority may, by notice in writing under his hand addressed to the Central Government, resign his office:

Provided that a member shall, unless he is permitted by the Central Government to relinquish his office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as his successor enters upon the office or until the expiry of his term of office, whichever is the earliest.

37. The Central Government shall, within two months from the date of occurrence of any vacancy by reason of death, resignation or removal of a member of the Authority and three months before the superannuation or completion of the term of office of any member of that Authority, make nomination for filling up of the vacancy.

Filling of vacancies.

38. No act or proceeding of the Central Authority shall be invalid merely by reason of—

- (a) any vacancy in, or any defect in the constitution of, the Authority; or
- (b) any defect in the appointment of a person as a member of the Authority; or
- (c) any irregularity in the procedure of the Authority not affecting the merits of the case.

Vacancies, etc., not to invalidate proceedings of Central Authority.

39. Any member having any direct or indirect interest, whether pecuniary or otherwise, in any matter coming up for consideration at a meeting of the Central Authority, shall, as soon as possible after the relevant circumstances have come to his knowledge, disclose the nature of his interest at such meeting and such disclosure shall be recorded in the proceedings of the Central Authority, and the member shall not take any part in any deliberation or decision of the Authority with respect to that matter.

Member not to participate in meetings in certain cases.

40. (1) There shall be a chief executive officer of the Authority, not below the rank of the Director to the Government of India, to be appointed by the Central Government.

Officers and other employees of Central Authority.

(2) The Authority may, with the approval of the Central Government, determine the number, nature and categories of other officers and employees required by the Central Authority in the discharge of its functions.

(3) The salaries and allowances payable to, and the other terms and conditions of service (including the qualifications, experience and manner of appointment) of, the chief executive officer and other officers and employees of the Central Authority shall be such as may be specified by regulations with the approval of the Central Government.

41. (1) The chief executive officer shall be the legal representative of the Central Authority and shall be responsible for—

Functions of chief executive officer of Central Authority.

- (a) the day-to-day administration of the Central Authority;
- (b) implementing the work programmes and decisions adopted by the Central Authority;
- (c) drawing up of proposal for the Central Authority's work programmes;
- (d) the preparation of the statement of revenue and expenditure and the execution of the budget of the Central Authority.

(2) Every year, the chief executive officer shall submit to the Central Authority for approval—

- (a) a general report covering all the activities of the Central Authority in the previous year;

- (b) programmes of work;
- (c) the annual accounts for the previous year; and
- (d) the budget for the coming year.

(3) The chief executive officer shall have administrative control over the officers and other employees of the Central Authority.

Transfer of assets, liabilities of Central Authority.

42. On the establishment of the Central Authority—

(a) all the assets and liabilities of the Central Authority for Mental Health Services constituted under sub-section (1) of section 3 of the Mental Health Act, 1987 shall stand transferred to, and vested in, the Central Authority.

14 of 1987.

Explanation.—The assets of such Central Authority for Mental Health Services shall be deemed to include all rights and powers, and all properties, whether movable or immovable, including, in particular, cash balances, deposits and all other interests and rights in, or arising out of, such properties as may be in the possession of such Unique Identification Authority of India and all books of account and other documents relating to the same; and liabilities shall be deemed to include all debts, liabilities and obligations of whatever kind;

(b) without prejudice to the provisions of clause (a), all data and information collected during enrolment, all details of authentication performed, debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for such Central Authority for Mental Health Services immediately before that day, for or in connection with the purpose of the said Central Authority for Mental Health Services, shall be deemed to have been incurred, entered into or engaged to be done by, with or for, the Central Authority;

(c) all sums of money due to the Central Authority for Mental Health Services immediately before that day shall be deemed to be due to the Central Authority; and

(d) all suits and other legal proceedings instituted or which could have been instituted by or against such Central Authority for Mental Health Services immediately before that day may be continued or may be instituted by or against the Central Authority.

Functions of Central Authority.

43. (1) The Central Authority shall—

(a) register all mental health establishments under the control of the Central Government and maintain a register of all mental health establishments in the country based on information provided by all State Mental Health Authorities of registered establishments and compile update and publish (including online on the internet) a register of such establishments;

(b) develop quality and service provision norms for different types of mental health establishments under the Central Government;

(c) supervise all mental health establishments under the Central Government and receive complaints about deficiencies in provision of services;

(d) maintain a national register of clinical psychologists, mental health nurses and psychiatric social workers based on information provided by all State Authorities of persons registered to work as mental health professionals for the purpose of this Act and publish the list (including online on the internet) of such registered mental health professionals;

(e) train all persons including law enforcement officials, mental health professionals and other health professionals about the provisions and implementation of this Act;

(f) advise the Central Government on all matters relating to mental healthcare and services;

(g) discharge such other functions with respect to matters relating to mental health as the Central Government may decide:

14 of 1987.

Provided that the mental health establishments under the control of the Central Government, before the commencement of this Act, registered under the Mental Health Act, 1987 or any other law for the time being in force, shall be deemed to have been registered under the provisions of this Act and copy of such registration shall be furnished to the Central Authority.

(2) The procedure for registration (including the fees to be levied for such registration) of the mental health establishments under this section shall be such as may be prescribed by the Central Government.

44. (1) The Central Authority shall meet at such times (not less than twice in a year) and places and shall observe such rules of procedure in regard to the transaction of business at its meetings (including quorum at such meetings) as may be specified by regulations made by the Central Authority.

Meetings of Central Authority.

(2) If the chairperson, for any reason, is unable to attend a meeting of the Central Authority, the senior-most member shall preside over the meeting of the Authority.

(3) All questions which come up before any meeting of the Authority shall be decided by a majority of votes by the members present and voting and in the event of an equality of votes, the chairperson or in his absence the member presiding over shall have a second or casting vote.

(4) All decisions of the Central Authority shall be authenticated by the signature of the chairperson or any other member authorised by the Central Authority in this behalf.

(5) If any member, who is a director of a company and who as such director, has any direct or indirect pecuniary interest in any manner coming up for consideration at a meeting of the Central Authority, he shall, as soon as possible after relevant circumstances have come to his knowledge, disclose the nature of his interest at such meeting and such disclosure shall be recorded in the proceedings of the Authority, and the member shall not take part in any deliberation or decision of the Authority with respect to that matter.

CHAPTER VIII

STATE MENTAL HEALTH AUTHORITY

45. Every State Government shall, within a period of nine months from the date on which this Act receives the assent of the President, by notification, establish, for the purposes of this Act, an Authority to be known as the State Mental Health Authority.

Establishment of State Authority.

46. (1) The State Authority shall consist of the following chairperson and members:—

Composition of State Authority.

(a) Secretary or Principal Secretary in the Department of Health of State Government—chairperson *ex officio*;

(b) Joint Secretary in the Department of Health of the State Government, in charge of mental health—member *ex officio*;

(c) Director of Health Services or Medical Education—member *ex officio*;

(d) Joint Secretary in the Department of Social Welfare of the State Government—member *ex officio*;

(e) such other *ex officio* representatives from the relevant State Government Ministries or Departments;

(f) Head of any of the Mental Hospitals in the State or Head of Department of Psychiatry at any Government Medical College, to be nominated by the State Government—member;

(g) one eminent psychiatrist from the State not in Government service to be nominated by the State Government—member;

(h) one mental health professional as defined in item (iii) of clause (q) of sub-section (1) of section 2 having at least fifteen years experience in the field, to be nominated by the State Government—member;

(i) one psychiatric social worker having at least fifteen years experience in the field, to be nominated by the State Government—member;

(j) one clinical psychologist having at least fifteen years experience in the field, to be nominated by the State Government—member;

(k) one mental health nurse having at least fifteen years experience in the field of mental health, to be nominated by the State Government—member;

(l) two persons representing persons who have or have had mental illness, to be nominated by the State Government—member;

(m) two persons representing care-givers of persons with mental illness or organisations representing care-givers, to be nominated by the State Government—members;

(n) two persons representing non-governmental organisations which provide services to persons with mental illness, to be nominated by the State Government—members.

(2) The members referred to in clauses (e) to (n) of sub-section (1), shall be nominated by the State Government in such manner as may be prescribed.

Term of office, salaries and allowances of chairperson and other members.

47. (1) The members of the State Authority referred to in clauses (e) to (n) of sub-section (1) of section 46 shall hold office as such for a term of three years from the date of nomination and shall be eligible for reappointment:

Provided that a member shall not hold office as such after he has attained the age of seventy years.

(2) The chairperson and other *ex officio* members of the State Authority shall hold office as such chairperson or member, as the case may be, so long as he holds the office by virtue of which he is nominated.

(3) The salaries and allowances payable to, and the other terms and conditions of service of, the chairperson and other members shall be such as may be prescribed.

Resignation.

48. A member of the State Authority may, by notice in writing under his hand addressed to the State Government, resign his office:

Provided that a member shall, unless he is permitted by the State Government to relinquish his office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as his successor enters upon office or until the expiry of his term of office, whichever is the earliest.

Filling of vacancies.

49. The State Government shall, within two months from the date of occurrence of any vacancy by reason of death, resignation or removal of a member of the Authority and three months before the superannuation or completion of the term of office of any member of that Authority, make nomination for filling up of the vacancy.

50. No act or proceeding of the State Authority shall be invalid merely by reason of—

- (a) any vacancy in, or any defect in the constitution of, the State Authority; or
- (b) any defect in the appointment of a person as a member of the State Authority; or
- (c) any irregularity in the procedure of the Authority not affecting the merits of the case.

Vacancies, etc., not to invalidate proceedings of State Authority.

51. Any member having any direct or indirect interest, whether pecuniary or otherwise, in any matter coming up for consideration at a meeting of the State Authority, shall, as soon as possible after the relevant circumstances have come to his knowledge, disclose the nature of his interest at such meeting and such disclosure shall be recorded in the proceedings of the State Authority, and the member shall not take any part in any deliberation or decision of the State Authority with respect to that matter.

Member not to participate in meetings in certain cases.

52. (1) There shall be a chief executive officer of the State Authority, not below the rank of the Deputy Secretary to the State Government, to be appointed by the State Government.

Officers and other employees of State Authority.

(2) The State Authority may, with the approval of the State Government, determine the number, nature and categories of other officers and employees required by the State Authority in the discharge of its functions.

(3) The salaries and allowances payable to, and the other terms and conditions of service (including the qualifications, experience and manner of appointment) of, the chief executive officer and other officers and employees of the State Authority shall be such as may be specified by regulations with the approval of the State Government.

53. (1) The chief executive officer shall be the legal representative of the State Authority and shall be responsible for—

Functions of chief executive officer of State Authority.

- (a) the day-to-day administration of the State Authority;
- (b) implementing the work programmes and decisions adopted by the State Authority;
- (c) drawing up of proposal for the State Authority's work programmes;
- (d) the preparation of the statement of revenue and expenditure and the execution of the budget of the State Authority.

(2) Every year, the chief executive officer shall submit to the State Authority for approval—

- (a) a general report covering all the activities of the Authority in the previous year;
- (b) programmes of work;
- (c) the annual accounts for the previous year; and
- (d) the budget for the coming year.

(3) The chief executive officer shall have administrative control over the officers and other employees of the State Authority.

54. On and from the establishment of the State Authority—

- (a) all the assets and liabilities of the State Authority for Mental Health Services constituted under sub-section (1) of section 4 of the Mental Health Act, 1987 shall stand transferred to, and vested in, the State Authority.

Transfer of assets, liabilities of State Authority.

Explanation.—The assets of such State Authority for Mental Health Services shall be deemed to include all rights and powers, and all properties, whether movable or immovable, including, in particular, cash balances, deposits and all other interests and rights in, or arising out of, such properties as may be in the possession of such State Authority for Mental Health Services and all books of account and other documents relating to the same; and liabilities shall be deemed to include all debts, liabilities and obligations of whatever kind;

(b) without prejudice to the provisions of clause (a), all data and information collected during enrolment, all details of authentication performed, debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for such State Authority for Mental Health Services immediately before that day, for or in connection with the purpose of the said State Authority for Mental Health Services, shall be deemed to have been incurred, entered into or engaged to be done by, with or for, the State Authority;

(c) all sums of money due to the State Authority for Mental Health Services immediately before that day shall be deemed to be due to the State Authority; and

(d) all suits and other legal proceedings instituted or which could have been instituted by or against such State Authority for Mental Health Services immediately before that day may be continued or may be instituted by or against the State Authority.

Functions of
State
Authority.

55. (1) The State Authority shall—

(a) register all mental health establishments in the State except those referred to in section 43 and maintain and publish (including online on the internet) a register of such establishments;

(b) develop quality and service provision norms for different types of mental health establishments in the State;

(c) supervise all mental health establishments in the State and receive complaints about deficiencies in provision of services;

(d) register clinical psychologists, mental health nurses and psychiatric social workers in the State to work as mental health professionals, and publish the list of such registered mental health professionals in such manner as may be specified by regulations by the State Authority;

(e) train all relevant persons including law enforcement officials, mental health professionals and other health professionals about the provisions and implementation of this Act;

(f) discharge such other functions with respect to matters relating to mental health as the State Government may decide:

Provided that the mental health establishments in the State (except those referred to in section 43), registered, before the commencement of this Act, under the Mental Health Act, 1987 or any other law for the time being in force, shall be deemed to have been registered under the provisions of this Act and copy of such registration shall be furnished to the State Authority.

14 of 1987.

(2) The procedure for registration (including the fees to be levied for such registration) of the mental health establishments under this section shall be such as may be prescribed by the State Government.

Meetings of
State Authority.

56. (1) The State Authority shall meet at such times (not less than four times in a year) and places and shall observe such rules of procedure in regard to the transaction of business at its meetings (including quorum at such meetings) as may be specified by regulations made by the State Authority.

(2) If the chairperson, for any reason, is unable to attend a meeting of the State Authority, the senior- most member shall preside over the meetings of the Authority.

(3) All questions which come up before any meeting of the State Authority shall be decided by a majority of votes by the members present and voting and in the event of an equality of votes, the chairperson or in his absence the member presiding over shall have a second or casting vote.

(4) All decisions of the State Authority shall be authenticated by the signature of the chairperson or any other member authorised by the State Authority in this behalf.

(5) If any member, who is a director of a company and who as such director, has any direct or indirect pecuniary interest in any manner coming up for consideration at a meeting of the State Authority, he shall, as soon as possible after relevant circumstances have come to his knowledge, disclose the nature of his interest at such meeting and such disclosure shall be recorded in the proceedings of the Authority, and the member shall not take part in any deliberation or decision of the State Authority with respect to that matter.

CHAPTER IX

FINANCE, ACCOUNTS AND AUDIT

57. The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the Central Authority grants of such sums of money as the Central Government may think fit for being utilised for the purposes of this Act.

Grants by
Central
Government
to Central
Authority.

58. (1) There shall be constituted a Fund to be called the Central Mental Health Authority Fund and there shall be credited thereto—

Central
Mental Health
Authority
Fund.

(i) any grants and loans made to the Authority by the Central Government;

(ii) all fees and charges received by the Authority under this Act; and

(iii) all sums received by the Authority from such other sources as may be decided upon by the Central Government.

(2) The Fund referred to in sub-section (1) shall be applied for meeting the salary, allowances and other remuneration of the chairperson, other members, chief executive officer, other officers and employees of the Authority and the expenses of the Authority incurred in the discharge of its functions and for purposes of this Act.

59. (1) The Central Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government, in consultation with the Comptroller and Auditor-General of India.

Accounts and
audit of Central
Authority.

(2) The accounts of the Authority shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Authority to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any other person appointed by him in connection with the audit of the accounts of the Authority shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the office of the Authority.

(4) The accounts of the Authority as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon, shall be forwarded annually to the Central Government by the Authority and the Central Government shall cause the same to be laid before each House of Parliament.

Annual report
of Central
Authority.

60. The Central Authority shall prepare in every year, in such form and at such time as may be prescribed by the Central Government, an annual report giving a full account of its activities during the previous year, and copies thereof along with copies of its annual accounts and auditor's report shall be forwarded to the Central Government and the Central Government shall cause the same to be laid before both Houses of Parliament.

Grants by
State
Government.

61. The State Government may, after due appropriation made by State Legislature by law in this behalf, make to the State Authority grants of such sums of money as the State Government may think fit for being utilised for the purposes of this Act.

State Mental
Health
Authority
Fund.

62. (1) There shall be constituted a Fund to be called the State Mental Health Authority Fund and there shall be credited thereto—

(i) any grants and loans made to the State Authority by the State Government;

(ii) all fees and charges received by the Authority under this Act; and

(iii) all sums received by the State Authority from such other sources as may be decided upon by the State Government.

(2) The Fund referred to in sub-section (1) shall be applied for meeting the salary, allowances and other remuneration of the chairperson, other members, chief executive officer, other officers and employees of the State Authority and the expenses of the State Authority incurred in the discharge of its functions and for purposes of this Act.

Accounts and
audit of State
Authority.

63. (1) The State Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the State Government, in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the State Authority shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the State Authority to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any other person appointed by him in connection with the audit of the accounts of the State Authority shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the office of the State Authority.

Annual report
of State
Authority.

64. The State Authority shall prepare in every year, in such form and at such time as may be prescribed by the State Government, an annual report giving a full account of its activities during the previous year, and copies thereof along with copies of its annual accounts and auditor's report shall be forwarded to the State Government and the Government shall cause the same to be laid before the State Legislature.

CHAPTER X

MENTAL HEALTH ESTABLISHMENTS

Registration of
mental health
establishment.

65. (1) No person or organisation shall establish or run a mental health establishment unless it has been registered with the Authority under the provisions of this Act.

Explanation.—For the purposes of this Chapter, the expression “Authority” means—

(a) in respect of the mental health establishments under the control of the Central Government, the Central Authority;

(b) in respect of the mental health establishments in the State [not being the health establishments referred to in clause (a)], the State Authority.

(2) Every person or organisation who proposes to establish or run a mental health establishment shall register the said establishment with the Authority under the provisions of this Act:

Provided that the Central Government, may, by notification, exempt any category or class of existing mental health establishments from the requirement of registration under this Act.

23 of 2010. *Explanation.*—In case a mental health establishment has been registered under the Clinical Establishments (Registration and Regulation) Act, 2010 or any other law for the time being in force in a State, such mental health establishment shall submit a copy of the said registration along with an application in such form as may be prescribed to the Authority with an undertaking that the mental health establishment fulfils the minimum standards, if any, specified by the Authority for the specific category of mental health establishment.

(3) The Authority shall, on receipt of application under sub-section (2), on being satisfied that such mental health establishment fulfils the standards specified by the Authority, issue a certificate of registration in such form as may be prescribed:

Provided that till the period the Authority specifies the minimum standards for different categories of mental health establishments, it shall issue a provisional certificate of registration to the mental health establishment:

Provided further that on specifying the minimum standards for different categories of mental health establishments, the mental health establishment referred to in the first proviso shall, within a period of six months from the date such standards are specified, submit to the Authority an undertaking stating therein that such establishment fulfils the specified minimum standards and on being satisfied that such establishment fulfils the minimum standards, the Authority shall issue a certificate of registration to such mental health establishment.

(4) Every mental health establishment shall, for the purpose of registration and continuation of registration, fulfil—

(a) the minimum standards of facilities and services as may be specified by regulations made by the Authority;

(b) the minimum qualifications for the personnel engaged in such establishment as may be specified by regulations made by the Authority;

(c) provisions for maintenance of records and reporting as may be specified by regulations made by the Authority; and

(d) any other conditions as may be specified by regulations made by the Authority.

(5) The Authority may—

(a) classify mental health establishments into such different categories, as may be specified by regulations made by the Central Authority;

(b) specify different standards for different categories of mental health establishments;

(c) while specifying the minimum standards for mental health establishments, have regard to local conditions.

(6) Notwithstanding anything in this section, the Authority shall, within a period of eighteen months from the commencement of this Act, by notification, specify the minimum standards for different categories of mental health establishments.

Procedure for
registration,
inspection
and inquiry of
mental health
establish-
ments.

66. (1) The mental health establishment shall, for the purpose of registration, submit an application, in such form, accompanied with such details and fees, as may be prescribed, to the Authority.

(2) The mental health establishment may submit the application in person or by post or online.

(3) Every mental health establishment, existing on the date of commencement of this Act, shall, within a period of six months from the date of constitution of the Authority, submit an application for its provisional registration to the Authority.

(4) The Authority shall, within a period of ten days from the date of receipt of such application, issue to the mental health establishment a certificate of provisional registration in such form and containing such particulars and information as may be prescribed.

(5) The Authority shall not be required to conduct any inquiry prior to issue of provisional registration.

(6) The Authority shall, within a period of forty-five days from the date of provisional registration, publish in print and in digital form online, all particulars of the mental health establishment.

(7) A provisional registration shall be valid for a period of twelve months from the date of its issue and be renewable.

(8) Where standards for particular categories of mental health establishments have been specified under this Act, the mental health establishments in that category shall, within a period of six months from date of notifying such standards, apply for that category and obtain permanent registration.

(9) The Authority shall publish the standards in print and online in digital format.

(10) Until standards for particular categories of mental health establishments are specified under this Act, every mental health establishment shall, within thirty days before the expiry of the validity of certificate of provisional registration, apply for a renewal of provisional registration.

(11) If the application is made after the expiry of provisional registration, the Authority shall allow renewal of registration on payment of such fees, as may be prescribed.

(12) A mental health establishment shall make an application for permanent registration to the Authority in such form and accompanied with such fees as may be specified by regulations.

(13) The mental health establishment shall submit evidence that the establishment has complied with the specified minimum standards in such manner as may be specified by regulations by the Authority.

(14) As soon as the mental health establishment submits the required evidence of the mental health establishment having complied with the specified minimum standards, the Authority shall give public notice and display the same on its website for a period of thirty days, for filing objections, if any, in such manner as may be specified by regulations.

(15) The Authority shall, communicate the objections, if any, received within the period referred to in sub-section (14), to the mental health establishment for response within such period as the Authority may determine.

(16) The mental health establishment shall submit evidence of compliance with the standards with reference to the objections communicated to such establishment under sub-section (15), to the Authority within the specified period.

(17) The Authority shall on being satisfied that the mental health establishment fulfils the specified minimum standards for registration, grant permanent certificate of registration to such establishment.

(18) The Authority shall, within a period of forty-five days after the expiry of the period specified under this section, pass an order, either—

- (a) grant permanent certificate of registration; or
- (b) reject the application after recording the reasons thereof:

Provided that in case the Authority rejects the application under clause (b), it shall grant such period not exceeding six months, to the mental health establishment for rectification of the deficiencies which have led to rejection of the application and such establishment may apply afresh for registration.

(19) Notwithstanding anything contained in this section, if the Authority has neither communicated any objections received by it to the mental health establishment under sub-section (15), nor has passed an order under sub-section (18), the registration shall be deemed to have been granted by the Authority and the Authority shall provide a permanent certificate of registration.

67. (1) The Authority shall cause to be conducted an audit of all registered mental health establishments by such person or persons (including representatives of the local community) as may be prescribed, every three years, so as to ensure that such mental health establishments comply with the requirements of minimum standards for registration as a mental health establishment.

Audit of mental health establishment.

(2) The Authority may charge the mental health establishment such fee as may be prescribed, for conducting the audit under this section.

(3) The Authority may issue a show cause notice to a mental health establishment as to why its registration under this Act not be cancelled, if the Authority is satisfied that—

- (a) the mental health establishment has failed to maintain the minimum standards specified by the Authority; or
- (b) the person or persons or entities entrusted with the management of the mental health establishment have been convicted of an offence under this Act; or
- (c) the mental health establishment violates the rights of any person with mental illness.

(4) The Authority may, after giving a reasonable opportunity to the mental health establishment, if satisfied that the mental health establishment falls under clause (a) or clause (b) or clause (c) of sub-section (3), without prejudice to any other action which it may take against the mental health establishment, cancel its registration.

(5) Every order made under sub-section (4) shall take effect—

- (a) where no appeal has been preferred against such order, immediately on the expiry of the period specified for preferring of appeal; and
- (b) where the appeal has been preferred against such an order and the appeal has been dismissed, from the date of the order of dismissal.

(6) The Authority shall, on cancellation of the registration for reasons to be recorded in writing, restrain immediately the mental health establishment from carrying on its operations, if there is imminent danger to the health and safety of the persons admitted in the mental health establishment.

(7) The Authority may cancel the registration of a mental health establishment if recommended by the Board to do so.

Inspection and inquiry.

68. (1) The Authority may, *suo motu* or on a complaint received from any person with respect to non-adherence of minimum standards specified by or under this Act or contravention of any provision thereof, order an inspection or inquiry of any mental health establishment, to be made by such person as may be prescribed.

(2) The mental health establishment shall be entitled to be represented at such inspection or inquiry.

(3) The Authority shall communicate to the mental health establishment the results of such inspection or inquiry and may after ascertaining the opinion of the mental health establishment, order the establishment to make necessary changes within such period as may be specified by it.

(4) The mental health establishment shall comply with the order of the Authority made under sub-section (3).

(5) If the mental health establishment fails to comply with the order of the Authority made under sub-section (3), the Authority may cancel the registration of the mental health establishment.

(6) The Authority or any person authorised by it may, if there is any reason to suspect that any person is operating a mental health establishment without registration, enter and search in such manner as may be prescribed, and the mental health establishment shall co-operate with such inspection or inquiry and be entitled to be represented at such inspection or inquiry.

Appeal to High Court against order of Authority.

69. Any mental health establishment aggrieved by an order of the Authority refusing to grant registration or renewal of registration or cancellation of registration, may, within a period of thirty days from such order, prefer an appeal to the High Court in the State:

Provided that the High Court may entertain an appeal after the expiry of the said period of thirty days, if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the period of thirty days.

Certificates, fees and register of mental health establishments.

70. (1) Every mental health establishment shall display the certificate of registration in a conspicuous place in the mental health establishment in such manner so as to be visible to everyone visiting the mental health establishment.

(2) In case the certificate is destroyed or lost or mutilated or damaged, the Authority may issue a duplicate certificate on the request of the mental health establishment and on the payment of such fees as may be prescribed.

(3) The certificate of registration shall be non-transferable and valid in case of change of ownership of the establishment.

(4) Any change of ownership of the mental health establishment shall be intimated to the Authority by the new owner within one month from the date of change of ownership.

(5) In the event of change of category of the mental health establishment, such establishment shall surrender the certificate of registration to the Authority and the mental health establishment shall apply afresh for grant of certificate of registration in that category.

Maintenance of register of mental health establishment in digital format.

71. The Authority shall maintain in digital format a register of mental health establishments, registered by the Authority, to be called the Register of Mental Health Establishments and shall enter the particulars of the certificate of registration so granted in a separate register to be maintained in such form and manner as may be prescribed.

Duty of mental health establishment to display information.

72. (1) Every mental health establishment shall display within the establishment at conspicuous place (including on its website), the contact details including address and telephone numbers of the concerned Board.

(2) Every mental health establishment shall provide the person with necessary forms to apply to the concerned Board and also give free access to make telephone calls to the Board to apply for a review of the admission.

CHAPTER XI

MENTAL HEALTH REVIEW BOARDS

73. (1) The State Authority shall, by notification, constitute Boards to be called the Mental Health Review Boards, for the purposes of this Act.

Constitution
of Mental
Health Review
Boards.

(2) The requisite number, location and the jurisdiction of the Boards shall be specified by the State Authority in consultation with the State Governments concerned.

(3) The constitution of the Boards by the State Authority for a district or group of districts in a State under this section shall be such as may be prescribed by the Central Government.

(4) While making rules under sub-section (3), the Central Government shall have regard to the following, namely:—

- (a) the expected or actual workload of the Board in the State in which such Board is to be constituted;
- (b) number of mental health establishments existing in the State;
- (c) the number of persons with mental illness;
- (d) population in the district in which the Board is to be constituted;
- (e) geographical and climatic conditions of the district in which the Board is to be constituted.

74. (1) Each Board shall consist of—

Composition
of Board.

(a) a District Judge, or an officer of the State judicial services who is qualified to be appointed as District Judge or a retired District Judge who shall be chairperson of the Board;

(b) representative of the District Collector or District Magistrate or Deputy Commissioner of the districts in which the Board is to be constituted;

(c) two members of whom one shall be a psychiatrist and the other shall be a medical practitioner.

(d) two members who shall be persons with mental illness or care-givers or persons representing organisations of persons with mental illness or care-givers or non-governmental organisations working in the field of mental health.

(2) A person shall be disqualified to be appointed as the chairperson or a member of a Board or be removed by the State Authority, if he—

- (a) has been convicted and sentenced to imprisonment for an offence which involves moral turpitude; or
- (b) is adjudged as an insolvent; or
- (c) has been removed or dismissed from the service of the Government or a body corporate owned or controlled by the Government; or
- (d) has such financial or other interest as is likely to prejudice the discharge of his functions as a member; or
- (e) has such other disqualifications as may be prescribed by the Central Government.

(3) A chairperson or member of a Board may resign his office by notice in writing under his hand addressed to the Chairperson of the State Authority and on such resignation being accepted, the vacancy shall be filled by appointment of a person, belonging to the category under sub-section (1) of section 74.

Terms and conditions of service of chairperson and members of Board.

75. (1) The chairperson and members of the Board shall hold office for a term of five years or up to the age of seventy years, whichever is earlier and shall be eligible for reappointment for another term of five years or up to the age of seventy years whichever is earlier.

(2) The appointment of chairperson and members of every Board shall be made by the Chairperson of the State Authority.

(3) The honorarium and other allowances payable to, and the other terms and conditions of service of, the chairperson and members of the Board shall be such as may be prescribed by the Central Government.

Decisions of Authority and Board.

76. (1) The decisions of the Authority or the Board, as the case may be, shall be by consensus, failing which by a majority of votes of members present and voting and in the event of equality of votes, the president or the chairperson, as the case may be, shall have a second or casting vote.

(2) The quorum of a meeting of the Authority or the Board, as the case may be, shall be three members.

Applications to Board.

77. (1) Any person with mental illness or his nominated representative or a representative of a registered non-governmental organisation, with the consent of such a person, being aggrieved by the decision of any of the mental health establishment or whose rights under this Act have been violated, may make an application to the Board seeking redressal or appropriate relief.

(2) There shall be no fee or charge levied for making such an application.

(3) Every application referred to in sub-section (1) shall contain the name of applicant, his contact details, the details of the violation of his rights, the mental health establishment or any other place where such violation took place and the redressal sought from the Board.

(4) In exceptional circumstances, the Board may accept an application made orally or over telephone from a person admitted to a mental health establishment.

Proceedings before Board to be judicial proceedings.

78. All proceedings before the Board shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code.

45 of 1860.

Meetings.

79. The Board shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be specified by regulations made by the Central Authority.

Proceedings before Board.

80. (1) The Board, on receipt of an application under sub-section (1) of section 85, shall, subject to the provisions of this section, endeavour to hear and dispose of the same within a period of ninety days.

(2) The Board shall dispose of an application—

(a) for appointment of nominated representative under clause (d) of sub-section (4) of section 14;

(b) challenging admission of a minor under section 87;

(c) challenging supported admission under sub-section (10) or sub-section (11) of section 89,

within a period of seven days from the date of receipt of such applications.

(3) The Board shall dispose of an application challenging supported admission under section 90 within a period of twenty-one days from the date of receipt of the application.

(4) The Board shall dispose of an application, other than an application referred to in sub-section (3), within a period of ninety days from the date of filing of the application.

(5) The proceeding of the Board shall be held *in camera*.

(6) The Board shall not ordinarily grant an adjournment for the hearing.

(7) The parties to an application may appear in person or be represented by a counsel or a representative of their choice.

(8) In respect of any application concerning a person with mental illness, the Board shall hold the hearings and conduct the proceedings at the mental health establishment where such person is admitted.

(9) The Board may allow any persons other than those directly interested with the application, with the permission of the person with mental illness and the chairperson of the Board, to attend the hearing.

(10) The person with mental illness whose matter is being heard shall have the right to give oral evidence to the Board, if such person desires to do so.

(11) The Board shall have the power to require the attendance and testimony of such other witnesses as it deems appropriate.

(12) The parties to a matter shall have the right to inspect any document relied upon by any other party in its submissions to the Board and may obtain copies of the same.

(13) The Board shall, within five days of the completion of the hearing, communicate its decision to the parties in writing.

(14) Any member who is directly or indirectly involved in a particular case, shall not sit on the Board during the hearings with respect to that case.

81. (1) The Central Authority shall appoint an Expert Committee to prepare a guidance document for medical practitioners and mental health professionals, containing procedures for assessing, when necessary or the capacity of persons to make mental health care or treatment decisions.

Central Authority to appoint Expert Committee to prepare guidance document.

(2) Every medical practitioner and mental health professional shall, while assessing capacity of a person to make mental healthcare or treatment decisions, comply with the guidance document referred to in sub-section (1) and follow the procedure specified therein.

82. (1) Subject to the provisions of this Act, the powers and functions of the Board shall, include all or any of the following matters, namely:—

Powers and functions of Board.

(a) to register, review, alter, modify or cancel an advance directive;

(b) to appoint a nominated representative;

(c) to receive and decide application from a person with mental illness or his nominated representative or any other interested person against the decision of medical officer or mental health professional in charge of mental health establishment or mental health establishment under section 87 or section 89 or section 90;

(d) to receive and decide applications in respect non-disclosure of information specified under sub-section (3) of section 25;

(e) to adjudicate complaints regarding deficiencies in care and services specified under section 28;

(f) to visit and inspect prison or jails and seek clarifications from the medical officer in-charge of health services in such prison or jail.

(2) Where it is brought to the notice of a Board or the Central Authority or State Authority, that a mental health establishment violates the rights of persons with mental illness, the Board or the Authority may conduct an inspection and inquiry and take action to protect their rights.

(3) Notwithstanding anything contained in this Act, the Board, in consultation with the Authority, may take measures to protect the rights of persons with mental illness as it considers appropriate.

(4) If the mental health establishment does not comply with the orders or directions of the Authority or the Board or wilfully neglects such order or direction, the Authority or the Board, as the case may be, may impose penalty which may extend up to five lakh rupees on such mental health establishment and the Authority on its own or on the recommendations of the Board may also cancel the registration of such mental health establishment after giving an opportunity of being heard.

Appeal to
High Court
against order
of Authority
or Board.

83. Any person or establishment aggrieved by the decision of the Authority or a Board may, within a period of thirty days from such decision, prefer an appeal to the High Court of the State in which the Board is situated:

Provided that the High Court may entertain an appeal after the expiry of the said period of thirty days, if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the period of thirty days.

Grants by
Central
Government.

84. (1) The Central Government may, make to the Central Authority grants of such sums of money as the Central Government may think fit for being utilised for the purposes of this Act.

(2) The grants referred to in sub-section (1) shall be applied for,—

(a) meeting the salary, allowances and other remuneration of the chairperson, members, officers and other employees of the Central Authority;

(b) meeting the salary, allowances and other remuneration of the chairperson, members, officers and other employees of the Boards; and

(c) the expenses of the Central Authority and the Boards incurred in the discharge of their functions and for the purposes of this Act.

CHAPTER XII

ADMISSION, TREATMENT AND DISCHARGE

Admission of
person with
mental illness
as independent
patient in
mental health
establishment.

85. (1) For the purposes of this Act, “independent patient or an independent admission” refers to the admission of person with mental illness, to a mental health establishment, who has the capacity to make mental healthcare and treatment decisions or requires minimal support in making decisions.

(2) All admissions in the mental health establishment shall, as far as possible, be independent admissions except when such conditions exist as make supported admission unavoidable.

Independent
admission and
treatment.

86. (1) Any person, who is not a minor and who considers himself to have a mental illness and desires to be admitted to any mental health establishment for treatment may request the medical officer or mental health professional in charge of the establishment to be admitted as an independent patient.

(2) On receipt of such request under sub-section (1), the medical officer or mental health professional in charge of the establishment shall admit the person to the establishment if the medical officer or mental health professional is satisfied that—

(a) the person has a mental illness of a severity requiring admission to a mental health establishment;

(b) the person with mental illness is likely to benefit from admission and treatment to the mental health establishment;

(c) the person has understood the nature and purpose of admission to the mental health establishment, and has made the request for admission of his own free will, without any duress or undue influence and has the capacity to make mental healthcare and treatment decisions without support or requires minimal support from others in making such decisions.

(3) If a person is unable to understand the purpose, nature, likely effects of proposed treatment and of the probable result of not accepting the treatment or requires a very high level of support approaching hundred per cent. support in making decisions, he or she shall be deemed unable to understand the purpose of the admission and therefore shall not be admitted as independent patient under this section.

(4) A person admitted as an independent patient to a mental health establishment shall be bound to abide by order and instructions or bye-laws of the mental health establishment.

(5) An independent patient shall not be given treatment without his informed consent.

(6) The mental health establishment shall admit an independent patient on his own request, and shall not require the consent or presence of a nominated representative or a relative or care-giver for admitting the person to the mental health establishment.

(7) Subject to the provisions contained in section 88 an independent patient may get himself discharged from the mental health establishment without the consent of the medical officer or mental health professional in charge of such establishment.

87. (1) A minor may be admitted to a mental health establishment only after following the procedure laid down in this section.

Admission of minor.

(2) The nominated representative of the minor shall apply to the medical officer in charge of a mental health establishment for admission of the minor to the establishment.

(3) Upon receipt of such an application, the medical officer or mental health professional in charge of the mental health establishment may admit such a minor to the establishment, if two psychiatrists, or one psychiatrist and one mental health professional or one psychiatrist and one medical practitioner, have independently examined the minor on the day of admission or in the preceding seven days and both independently conclude based on the examination and, if appropriate, on information provided by others, that,—

(a) the minor has a mental illness of a severity requiring admission to a mental health establishment;

(b) admission shall be in the best interests of the minor, with regard to his health, well-being or safety, taking into account the wishes of the minor if ascertainable and the reasons for reaching this decision;

(c) the mental healthcare needs of the minor cannot be fulfilled unless he is admitted; and

(d) all community based alternatives to admission have been shown to have failed or are demonstrably unsuitable for the needs of the minor.

(4) A minor so admitted shall be accommodated separately from adults, in an environment that takes into account his age and developmental needs and is at least of the same quality as is provided to other minors admitted to hospitals for other medical treatments.

(5) The nominated representative or an attendant appointed by the nominated representative shall under all circumstances stay with the minor in the mental health establishment for the entire duration of the admission of the minor to the mental health establishment.

(6) In the case of minor girls, where the nominated representative is male, a female attendant shall be appointed by the nominated representative and under all circumstances shall stay with the minor girl in the mental health establishment for the entire duration of her admission.

(7) A minor shall be given treatment with the informed consent of his nominated representative.

(8) If the nominated representative no longer supports admission of the minor under this section or requests discharge of the minor from the mental health establishment, the minor shall be discharged by the mental health establishment.

(9) Any admission of a minor to a mental health establishment shall be informed by the medical officer or mental health professional in charge of the mental health establishment to the concerned Board within a period of seventy-two hours.

(10) The concerned Board shall have the right to visit and interview the minor or review the medical records if the Board desires to do so.

(11) Any admission of a minor which continues for a period of thirty days shall be immediately informed to the concerned Board.

(12) The concerned Board shall carry out a mandatory review within a period of seven days of being informed, of all admissions of minors continuing beyond thirty days and every subsequent thirty days.

(13) The concerned Board shall at minimum, review the clinical records of the minor and may interview the minor if necessary.

Discharge of independent patients.

88. (1) The medical officer or mental health professional in charge of a mental health establishment shall discharge from the mental health establishment any person admitted under section 86 as an independent patient immediately on request made by such person or if the person disagrees with his admission under section 86 subject to the provisions of sub-section (3).

(2) Where a minor has been admitted to a mental health establishment under section 87 and attains the age of eighteen years during his stay in the mental health establishment, the medical officer in charge of the mental health establishment shall classify him as an independent patient under section 86 and all provisions of this Act as applicable to independent patient who is not minor, shall apply to such person.

(3) Notwithstanding anything contained in this Act, a mental health professional may prevent discharge of a person admitted as an independent person under section 86 for a period of twenty-four hours so as to allow his assessment necessary for admission under section 89 if the mental health professional is of the opinion that—

(a) such person is unable to understand the nature and purpose of his decisions and requires substantial or very high support from his nominated representative; or

(b) has recently threatened or attempted or is threatening or attempting to cause bodily harm to himself; or

(c) has recently behaved or is behaving violently towards another person or has caused or is causing another person to fear bodily harm from him; or

(d) has recently shown or is showing an inability to care for himself to a degree that places the individual at risk of harm to himself.

(4) The person referred to in sub-section (3) shall be either admitted as a supported patient under section 89, or discharged from the establishment within a period of twenty-four hours or on completion of assessments for admission for a supported patient under section 89, whichever is earlier.

Admission and treatment of persons with mental illness, with high support needs, in mental health establishment, up to thirty days (supported admission).

89. (1) The medical officer or mental health professional in charge of a mental health establishment shall admit every such person to the establishment, upon application by the nominated representative of the person, under this section, if—

(a) the person has been independently examined on the day of admission or in the preceding seven days, by one psychiatrist and the other being a mental health professional or a medical practitioner, and both independently conclude based on the examination and, if appropriate, on information provided by others, that the person has a mental illness of such severity that the person,—

(i) has recently threatened or attempted or is threatening or attempting to cause bodily harm to himself; or

(ii) has recently behaved or is behaving violently towards another person or has caused or is causing another person to fear bodily harm from him; or

(iii) has recently shown or is showing an inability to care for himself to a degree that places the individual at risk of harm to himself;

(b) the psychiatrist or the mental health professionals or the medical practitioner, as the case may be, certify, after taking into account an advance directive, if any, that admission to the mental health establishment is the least restrictive care option possible in the circumstances; and

(c) the person is ineligible to receive care and treatment as an independent patient because the person is unable to make mental healthcare and treatment decisions independently and needs very high support from his nominated representative in making decisions.

(2) The admission of a person with mental illness to a mental health establishment under this section shall be limited to a period of thirty days.

(3) At the end of the period mentioned under sub-section (2), or earlier, if the person no longer meets the criteria for admission as stated in sub-section (1), the patient shall no longer remain in the establishment under this section.

(4) On the expiry of the period of thirty days referred to in sub-section (2), the person may continue to remain admitted in the mental health establishment in accordance with the provisions of section 90.

(5) If the conditions under section 90 are not met, the person may continue to remain in the mental health establishment as an independent patient under section 86 and the medical officer or mental health professional in charge of the mental health establishment shall inform the person of his admission status under this Act, including his right to leave the mental health establishment.

(6) Every person with mental illness admitted under this section shall be provided treatment after taking into account,—

(a) an advance directive if any; or

(b) informed consent of the patient with the support of his nominated representative subject to the provisions of sub-section (7).

(7) If a person with the mental illness admitted under this section requires nearly hundred per cent. support from his nominated representative in making a decision in respect of his treatment, the nominated representative may temporarily consent to the treatment plan of such person on his behalf.

(8) In case where consent has been given under sub-section (7), the medical officer or mental health professional in charge of the mental health establishment shall record such consent in the medical records and review the capacity of the patient to give consent every seven days.

(9) The medical officer or mental health professional in charge of the mental health establishment shall report the concerned Board,—

(a) within three days the admissions of a woman or a minor;

(b) within seven days the admission of any person not being a woman or minor.

(10) A person admitted under this section or his nominated representative or a representative of a registered non-governmental organisation with the consent of the person, may apply to the concerned Board for review of the decision of the medical officer or mental health professional in charge of the mental health establishment to admit the person to the mental health establishment under this section.

(11) The concerned Board shall review the decision of the medical officer or mental health professional in charge of the mental health establishment and give its findings thereon within seven days of receipt of request for such review which shall be binding on all the concerned parties.

(12) Notwithstanding anything contained in this Act, it shall be the duty of the medical officer or mental health professional in charge of the mental health establishment to keep the condition of the person with mental illness admitted under this section on going review.

(13) If the medical officer or mental health professional in charge of the mental health establishment is of the opinion that the conditions specified under sub-section (1) are no longer applicable, he shall terminate the admission under this section, and inform the person and his nominated representative accordingly.

(14) Non applicability of conditions referred to in sub-section (13) shall not preclude the person with mental illness remaining as an independent patient.

(15) In a case, a person with the mental illness admitted under this section has been discharged, such person shall not be readmitted under this section within a period of seven days from the date of his discharge.

(16) In case a person referred to in sub-section (15) requires readmission within a period of seven days referred to in that sub-section, such person shall be considered for readmission in accordance with the provisions of section 90.

(17) If the medical officer or mental health professional in charge of the mental health establishment is of the opinion that the person with mental illness admitted under this section in the mental health establishment requires or is likely to require further treatment beyond the period of thirty days, then such medical officer or mental health professional shall be duty bound to refer the matter to be examined by two psychiatrists for his admission beyond thirty days.

Admission and treatment of persons with mental illness, with high support needs, in mental health establishment, beyond thirty days (supported admission beyond thirty days).

90. (1) If a person with mental illness admitted under section 89 requires continuous admission and treatment beyond thirty days or a person with mental illness discharged under sub-section (15) of that section requires readmission within seven days of such discharge, he shall be admitted in accordance with the provisions of this section.

(2) The medical officer or mental health professional in charge of a mental health establishment, upon application by the nominated representative of a person with mental illness, shall continue admission of such person with mental illness, if—

(a) two psychiatrists have independently examined the person with mental illness in the preceding seven days and both independently conclude based on the examination and, on information provided by others that the person has a mental illness of a severity that the person—

(i) has consistently over time threatened or attempted to cause bodily harm to himself; or

(ii) has consistently over time behaved violently towards another person or has consistently over time caused another person to fear bodily harm from him; or

(iii) has consistently over time shown an inability to care for himself to a degree that places the individual at risk of harm to himself;

(b) both psychiatrists, after taking into account an advance directive, if any, certify that admission to a mental health establishment is the least restrictive care option possible under the circumstances; and

(c) the person continues to remain ineligible to receive care and treatment as a independent patient as the person cannot make mental healthcare and treatment decisions independently and needs very high support from his nominated representative, in making decisions.

(3) The medical officer or mental health professional in charge of the mental health establishment shall report all admissions or readmission under this section, within a period of seven days of such admission or readmission, to the concerned Board.

(4) The Board shall, within a period of twenty-one days from the date of last admission or readmission of person with mental illness under this section, permit such admission or readmission or order discharge of such person.

(5) While permitting admission or readmission or ordering discharge of such person under sub-section (4), the Board shall examine—

(a) the need for institutional care to such person;

(b) whether such care cannot be provided in less restrictive settings based in the community.

(6) In all cases of application for readmission or continuance of admission of a person with mental illness in the mental health establishment under this section, the Board may require the medical officer or psychiatrist in charge of treatment of such person with mental illness to submit a plan for community based treatment and the progress made, or likely to be made, towards realising this plan.

(7) The person referred to in sub-section (4) shall not be permitted to continue in the mental health establishment in which he had been admitted or his readmission in such establishment merely on the ground of non-existence of community based services at the place where such person ordinarily resides.

(8) The admission of a person with mental illness to a mental health establishment under this section shall be limited to a period up to ninety days in the first instance.

(9) The admission of a person with mental illness to a mental health establishment under this section beyond the period of ninety days may be extended for a period of one hundred and twenty days at the first instance and thereafter for a period of one hundred and eighty days each time after complying with the provisions of sub-sections (1) to (7).

(10) If the Board refuses to permit admission or continuation thereof or readmission under sub-section (9), or on the expiry of the periods referred to in sub-section (9) or earlier if such person no longer falls within the criteria for admission under sub-section (1), such person shall be discharged from such mental health establishment.

(11) Every person with mental illness admitted under this section shall be provided treatment, after taking into account—

(a) an advance directive; or

(b) informed consent of the person with the support from his nominated representative subject to the provision of sub-section (12).

(12) If a person with mental illness admitted under this section, requires nearly hundred per cent. support from his nominated representative, in making decision in respect of his treatment, the nominated representative may temporarily consent to the treatment plan of such person on his behalf.

(13) In a case where consent has been given under sub-section (12), the medical officer or mental health professional in charge of the mental health establishment shall record such consent in the medical records of such person with mental illness and review on the expiry of every fortnight, the capacity of such person to give consent.

(14) A person with mental illness admitted under this section, or his nominated representative or a representative of a registered non-governmental organisation with the consent of the person, may apply to the concerned Board for review of the decision of the medical officer or mental health professional in charge of medical health establishment to

admit such person in such establishment and the decision of the Board thereon shall be binding on all parties.

(15) Notwithstanding anything contained in this Act, if the medical officer or mental health professional in charge of the mental health establishment is of the opinion that the conditions under sub-section (1) are no longer applicable, such medical officer or mental health professional shall discharge such person from such establishment and inform such person and his nominated representative accordingly.

(16) The person with mental illness referred to in sub-section (15) may continue to remain in the mental health establishment as an independent patient.

Leave of
absence.

91. The medical officer or mental health professional in charge of the mental health establishment may grant leave to any person with mental illness admitted under section 87 or section 89 or section 90, to be absent from the establishment subject to such conditions, if any, and for such duration as such medical officer or psychiatrist may consider necessary.

Absence with-
out leave or
discharge.

92. If any person to whom section 103 applies absents himself without leave or without discharge from the mental health establishment, he shall be taken into protection by any Police Officer at the request of the medical officer or mental health professional in-charge of the mental health establishment and shall be sent back to the mental health establishment immediately.

Transfer of
persons with
mental
illness from
one mental
health
establish-
ment to
another
mental
health
establish-
ment.

93. (1) A person with mental illness admitted to a mental health establishment under section 87 or section 89 or section 90 or section 103, as the case may be, may subject to any general or special order of the Board be removed from such mental health establishment and admitted to another mental health establishment within the State or with the consent of the Central Authority to any mental health establishment in any other State:

Provided that no person with mental illness admitted to a mental health establishment under an order made in pursuance of an application made under this Act shall be so removed unless intimation and reasons for the transfer have been given to the person with mental illness and his nominated representative.

(2) The State Government may make such general or special order as it thinks fit directing the removal of any prisoner with mental illness from the place where he is for the time being detained, to any mental health establishment or other place of safe custody in the State or to any mental health establishment or other place of safe custody in any other State with the consent of the Government of that other State.

Emergency
treatment.

94. (1) Notwithstanding anything contained in this Act, any medical treatment, including treatment for mental illness, may be provided by any registered medical practitioner to a person with mental illness either at a health establishment or in the community, subject to the informed consent of the nominated representative, where the nominated representative is available, and where it is immediately necessary to prevent—

(a) death or irreversible harm to the health of the person; or

(b) the person inflicting serious harm to himself or to others; or

(c) the person causing serious damage to property belonging to himself or to others where such behaviour is believed to flow directly from the person's mental illness.

Explanation.—For the purposes of this section, “emergency treatment” includes transportation of the person with mental illness to a nearest mental health establishment for assessment.

(2) Nothing in this section shall allow any medical officer or psychiatrist to give to the person with mental illness medical treatment which is not directly related to the emergency treatment specified under sub-section (1).

(3) Nothing in this section shall allow any medical officer or psychiatrist to use electro-convulsive therapy as a form of treatment.

(4) The emergency treatment referred to in this section shall be limited to seventy-two hours or till the person with mental illness has been assessed at a mental health establishment, whichever is earlier:

Provided that during a disaster or emergency declared by the appropriate Government, the period of emergency treatment referred to in this sub-section may extend up to seven days.

95. (1) Notwithstanding anything contained in this Act, the following treatments shall not be performed on any person with mental illness—

Prohibited procedures.

(a) electro-convulsive therapy without the use of muscle relaxants and anaesthesia;

(b) electro-convulsive therapy for minors;

(c) sterilisation of men or women, when such sterilisation is intended as a treatment for mental illness;

(d) chained in any manner or form whatsoever.

(2) Notwithstanding anything contained in sub-section (1), if, in the opinion of psychiatrist in charge of a minor's treatment, electro-convulsive therapy is required, then, such treatment shall be done with the informed consent of the guardian and prior permission of the concerned Board.

96. (1) Notwithstanding anything contained in this Act, psychosurgery shall not be performed as a treatment for mental illness unless—

Restriction on psychosurgery for persons with mental illness.

(a) the informed consent of the person on whom the surgery is being performed; and

(b) approval from the concerned Board to perform the surgery,

has been obtained.

(2) The Central Authority may make regulations for the purpose of carrying out the provisions of this section.

97. (1) A person with mental illness shall not be subjected to seclusion or solitary confinement, and, where necessary, physical restraint may only be used when,—

Restraints and seclusion.

(a) it is the only means available to prevent imminent and immediate harm to person concerned or to others;

(b) it is authorised by the psychiatrist in charge of the person's treatment at the mental health establishment.

(2) Physical restraint shall not be used for a period longer than it is absolutely necessary to prevent the immediate risk of significant harm.

(3) The medical officer or mental health professional in charge of the mental health establishment shall be responsible for ensuring that the method, nature of restraint justification for its imposition and the duration of the restraint are immediately recorded in the person's medical notes.

(4) The restraint shall not be used as a form of punishment or deterrent in any circumstance and the mental health establishment shall not use restraint merely on the ground of shortage of staff in such establishment.

(5) The nominated representative of the person with mental illness shall be informed about every instance of restraint within a period of twenty-four hours.

(6) A person who is placed under restraint shall be kept in a place where he can cause no harm to himself or others and under regular ongoing supervision of the medical personnel at the mental health establishment.

(7) The mental health establishment shall include all instances of restraint in the report to be sent to the concerned Board on a monthly basis.

(8) The Central Authority may make regulations for the purpose of carrying out the provisions of this section.

(9) The Board may order a mental health establishment to desist from applying restraint if the Board is of the opinion that the mental health establishment is persistently and wilfully ignoring the provisions of this section.

Discharge planning.

98. (1) Whenever a person undergoing treatment for mental illness in a mental health establishment is to be discharged into the community or to a different mental health establishment or where a new psychiatrist is to take responsibility of the person's care and treatment, the psychiatrist who has been responsible for the person's care and treatment shall consult with the person with mental illness, the nominated representative, the family member or care-giver with whom the person with mental illness shall reside on discharge from the hospital, the psychiatrist expected to be responsible for the person's care and treatment in the future, and such other persons as may be appropriate, as to what treatment or services would be appropriate for the person.

(2) The psychiatrist responsible for the person's care shall in consultation with the persons referred to in sub-section (1) ensure that a plan is developed as to how treatment or services shall be provided to the person with mental illness.

(3) The discharge planning under this section shall apply to all discharges from a mental health establishment.

Research.

99. (1) The professionals conducting research shall obtain free and informed consent from all persons with mental illness for participation in any research involving interviewing the person or psychological, physical, chemical or medicinal interventions.

(2) In case of research involving any psychological, physical, chemical or medicinal interventions to be conducted on person who is unable to give free and informed consent but does not resist participation in such research, permission to conduct such research shall be obtained from concerned State Authority.

(3) The State Authority may allow the research to proceed based on informed consent being obtained from the nominated representative of persons with mental illness, if the State Authority is satisfied that—

(a) the proposed research cannot be performed on persons who are capable of giving free and informed consent;

(b) the proposed research is necessary to promote the mental health of the population represented by the person;

(c) the purpose of the proposed research is to obtain knowledge relevant to the particular mental health needs of persons with mental illness;

(d) a full disclosure of the interests of persons and organisations conducting the proposed research is made and there is no conflict of interest involved; and

(e) the proposed research follows all the national and international guidelines and regulations concerning the conduct of such research and ethical approval has been obtained from the institutional ethics committee where such research is to be conducted.

(4) The provisions of this section shall not restrict research based study of the case notes of a person who is unable to give informed consent, so long as the anonymity of the persons is secured.

(5) The person with mental illness or the nominated representative who gives informed consent for participation in any research under this Act may withdraw the consent at any time during the period of research.

CHAPTER XIII

RESPONSIBILITIES OF OTHER AGENCIES

100. (1) Every officer in-charge of a police station shall have a duty—

(a) to take under protection any person found wandering at large within the limits of the police station whom the officer has reason to believe has mental illness and is incapable of taking care of himself; or

(b) to take under protection any person within the limits of the police station whom the officer has reason to believe to be a risk to himself or others by reason of mental illness.

(2) The officer in-charge of a police station shall inform the person who has been taken into protection under sub-section (1), the grounds for taking him into such protection or his nominated representative, if in the opinion of the officer such person has difficulty in understanding those grounds.

(3) Every person taken into protection under sub-section (1) shall be taken to the nearest public health establishment as soon as possible but not later than twenty-four hours from the time of being taken into protection, for assessment of the person's healthcare needs.

(4) No person taken into protection under sub-section (1) shall be detained in the police lock up or prison in any circumstances.

(5) The medical officer in-charge of the public health establishment shall be responsible for arranging the assessment of the person and the needs of the person with mental illness will be addressed as per other provisions of this Act as applicable in the particular circumstances.

(6) The medical officer or mental health professional in-charge of the public mental health establishment if on assessment of the person finds that such person does not have a mental illness of a nature or degree requiring admission to the mental health establishment, he shall inform his assessment to the police officer who had taken the person into protection and the police officer shall take the person to the person's residence or in case of homeless persons, to a Government establishment for homeless persons.

(7) In case of a person with mental illness who is homeless or found wandering in the community, a First Information Report of a missing person shall be lodged at the concerned police station and the station house officer shall have a duty to trace the family of such person and inform the family about the whereabouts of the person.

101. (1) Every officer in-charge of a police station, who has reason to believe that any person residing within the limits of the police station has a mental illness and is being ill-treated or neglected, shall forthwith report the fact to the Magistrate within the local limits of whose jurisdiction the person with mental illness resides.

Duties of police officers in respect of persons with mental illness.

Report to Magistrate of person with mental illness in private residence who is ill-treated or neglected.

(2) Any person who has reason to believe that a person has mental illness and is being ill-treated or neglected by any person having responsibility for care of such person, shall report the fact to the police officer in-charge of the police station within whose jurisdiction the person with mental illness resides.

(3) If the Magistrate has reason to believe based on the report of a police officer or otherwise, that any person with mental illness within the local limits of his jurisdiction is being ill-treated or neglected, the Magistrate may cause the person with mental illness to be produced before him and pass an order in accordance with the provisions of section 102.

Conveying or admitting person with mental illness to mental health establishment by Magistrate.

102. (1) When any person with mental illness or who may have a mental illness appears or is brought before a Magistrate, the Magistrate may, order in writing—

(a) that the person is conveyed to a public mental health establishment for assessment and treatment, if necessary and the mental health establishment shall deal with such person in accordance with the provisions of the Act; or

(b) to authorise the admission of the person with mental illness in a mental health establishment for such period not exceeding ten days to enable the medical officer or mental health professional in charge of the mental health establishment to carry out an assessment of the person and to plan for necessary treatment, if any.

(2) On completion of the period of assessment referred to in sub-section (1), the medical officer or mental health professional in charge of the mental health establishment shall submit a report to the Magistrate and the person shall be dealt with in accordance with the provisions of this Act.

Prisoners with mental illness.

103. (1) An order under section 30 of the Prisoners Act, 1900 or under section 144 of the Air Force Act, 1950, or under section 145 of the Army Act, 1950, or under section 143 or section 144 of the Navy Act, 1957, or under section 330 or section 335 of the Code of Criminal Procedure, 1973, directing the admission of a prisoner with mental illness into any suitable mental health establishment, shall be sufficient authority for the admission of such person in such establishment to which such person may be lawfully transferred for care and treatment therein:

3 of 1900.
45 of 1950.
46 of 1950.
62 of 1957.
2 of 1974.

Provided that transfer of a prisoner with mental illness to the psychiatric ward in the medical wing of the prison shall be sufficient to meet the requirements under this section:

Provided further that where there is no provision for a psychiatric ward in the medical wing, the prisoner may be transferred to a mental health establishment with prior permission of the Board.

(2) The method, modalities and procedure by which the transfer of a prisoner under this section is to be effected shall be such as may be prescribed.

(3) The medical officer of a prison or jail shall send a quarterly report to the concerned Board certifying therein that there are no prisoners with mental illness in the prison or jail.

(4) The Board may visit the prison or jail and ask the medical officer as to why the prisoner with mental illness, if any, has been kept in the prison or jail and not transferred for treatment to a mental health establishment.

(5) The medical officer in-charge of a mental health establishment wherein any person referred to in sub-section (1) is detained, shall once in every six months, make a special report regarding the mental and physical condition of such person to the authority under whose order such person is detained.

(6) The appropriate Government shall setup mental health establishment in the medical wing of at least one prison in each State and Union territory and prisoners with mental illness may ordinarily be referred to and cared for in the said mental health establishment.

(7) The mental health establishment setup under sub-section (5) shall be registered under this Act with the Central or State Mental Health Authority, as the case may be, and shall conform to such standards and procedures as may be prescribed.

104. (1) If it appears to the person in-charge of a State run custodial institution (including beggars homes, orphanages, women's protection homes and children homes) that any resident of the institution has, or is likely to have, a mental illness, then, he shall take such resident of the institution to the nearest mental health establishment run or funded by the appropriate Government for assessment and treatment, as necessary.

Persons in custodial institutions.

(2) The medical officer in-charge of a mental health establishment shall be responsible for assessment of the person with mental illness, and the treatment required by such persons shall be decided in accordance with the provisions of this Act.

105. If during any judicial process before any competent court, proof of mental illness is produced and is challenged by the other party, the court shall refer the same for further scrutiny to the concerned Board and the Board shall, after examination of the person alleged to have a mental illness either by itself or through a committee of experts, submit its opinion to the court.

Question of mental illness in judicial process.

CHAPTER XIV

RESTRICTION TO DISCHARGE FUNCTIONS BY PROFESSIONALS NOT COVERED BY PROFESSION

106. No mental health professional or medical practitioner shall discharge any duty or perform any function not authorised by this Act or specify or recommend any medicine or treatment not authorised by the field of his profession.

Restriction to discharge functions by professionals not covered by profession.

CHAPTER XV

OFFENCES AND PENALTIES

107. (1) Whoever carries on a mental health establishment without registration shall be liable to a penalty which shall not be less than five thousand rupees but which may extend to fifty thousand rupees for first contravention or a penalty which shall not be less than fifty thousand rupees but which may extend to two lakh rupees for a second contravention or a penalty which shall not be less than two lakh rupees but which may extend to five lakh rupees for every subsequent contravention.

Penalties for establishing or maintaining mental health establishment in contravention of provisions of this Act.

(2) Whoever knowingly serves in the capacity as a mental health professional in a mental health establishment which is not registered under this Act, shall be liable to a penalty which may extend to twenty-five thousand rupees.

(3) Save as otherwise provided in this Act, the penalty under this section shall be adjudicated by the State Authority.

(4) Whoever fails to pay the amount of penalty, the State Authority may forward the order to the Collector of the district in which such person owns any property or resides or carries on his business or profession or where the mental health establishment is situated, and the Collector shall recover from such persons or mental health establishment the amount specified thereunder, as if it were an arrear of land revenue.

(5) All sums realised by way of penalties under this Chapter shall be credited to the Consolidated Fund of India.

108. Any person who contravenes any of the provisions of this Act, or of any rule or regulation made thereunder shall for first contravention be punishable with imprisonment for a term which may extend to six months, or with a fine which may extend to ten thousand rupees or with both, and for any subsequent contravention with imprisonment for a term which may extend to two years or with fine which shall not be less than fifty thousand rupees but which may extend to five lakh rupees or with both.

Punishment for contravention of provisions of the Act or rules or regulations made thereunder.

Offences by
companies.

109. (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in-charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he has exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, means a partner in the firm.

CHAPTER XVI

MISCELLANEOUS

Power to call
for informa-
tion.

110. (1) The Central Government may, by a general or special order, call upon the Authority or the Board to furnish, periodically or as and when required any information concerning the activities carried on by the Authority or the Board, as the case may be, in such form as may be prescribed, to enable that Government, to carry out the purposes of this Act.

(2) The State Government may, by a general or special order, call upon the State Authority or the Board to furnish, periodically or as and when required any information concerning the activities carried on by the State Authority or the Board in such form as may be prescribed, to enable that Government, to carry out the purposes of this Act.

Power of
Central
Government
to issue
directions.

111. (1) Without prejudice to the foregoing provisions of this Act, the Authority shall, in exercise of its powers or the performance of its functions under this Act, be bound by such directions on questions of policy, other than those relating to technical and administrative matters, as the Central Government may give in writing to it from time to time:

Provided that the Authority shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section.

(2) The decision of the Central Government whether a question is one of policy or not shall be final.

Power of
Central
Government
to supersede
Central
Authority.

112. (1) If at any time the Central Government is of the opinion—

(a) that on account of circumstances beyond the control of the Central Authority, it is unable to discharge the functions or perform the duties imposed on it by or under the provisions of this Act; or

(b) that the Central Authority has persistently defaulted in complying with any direction given by the Central Government under this Act or in the discharge of the functions or performance of the duties imposed on it by or under the provisions of this Act; or

(c) that circumstances exist which render it necessary in the public interest so to do,

the Central Government may, by notification and for reasons to be specified therein, supersede the Central Authority for such period, not exceeding six months, as may be specified in the notification:

Provided that before issuing any such notification, the Central Government shall give a reasonable opportunity to the Central Authority to make representations against the proposed supersession and shall consider representations, if any, of the Central Authority.

(2) Upon the publication of a notification under sub-section (1), superseding the Central Authority,—

(a) the chairperson and other members shall, as from the date of supersession, vacate their offices as such;

(b) all the powers, functions and duties which may, by or under the provisions of this Act, be exercised or discharged by or on behalf of the Central Authority shall, until the Central Authority is reconstituted under sub-section (3), be exercised and discharged by the Central Government or such authority as the Central Government may specify in this behalf;

(c) all properties owned or controlled by the Central Authority shall, until the Central Authority is reconstituted under sub-section (3), vest in the Central Government.

(3) On or before the expiration of the period of supersession specified in the notification issued under sub-section (1), the Central Government shall reconstitute the Central Authority by a fresh appointment of its chairperson and other members and in such case any person who had vacated his office under clause (a) of sub-section (2) shall not be deemed to be disqualified for re-appointment.

(4) The Central Government shall cause a notification issued under sub-section (1) and a full report of any action taken under this section and the circumstances leading to such action to be laid before each House of Parliament at the earliest.

113. (1) If at any time the State Government is of the opinion—

(a) that on account of circumstances beyond the control of the State Authority, it is unable to discharge the functions or perform the duties imposed on it by or under the provisions of this Act; or

(b) that the State Authority has persistently defaulted in complying with any direction given by the State Government under this Act or in the discharge of the functions or performance of the duties imposed on it by or under the provisions of this Act; or

(c) that circumstances exist which render it necessary in the public interest so to do,

the State Government may, by notification and for reasons to be specified therein, supersede the State Authority for such period, not exceeding six months, as may be specified in the notification:

Provided that before issuing any such notification, the State Government shall give a reasonable opportunity to the State Authority to make representations against the proposed supersession and shall consider representations, if any, of the State Authority.

(2) Upon the publication of a notification under sub-section (1) superseding the State Authority,—

(a) the chairperson and other members shall, as from the date of supersession, vacate their offices as such;

Power of
State
Government
to supersede
State
Authority.

(b) all the powers, functions and duties which may, by or under the provisions of this Act, be exercised or discharged by or on behalf of the State Authority shall, until the State Authority is reconstituted under sub-section (3), be exercised and discharged by the State Government or such authority as the State Government may specify in this behalf;

(c) all properties owned or controlled by the State Authority shall, until the State Authority is reconstituted under sub-section (3), vest in the State Government.

(3) On or before the expiration of the period of supersession specified in the notification issued under sub-section (1), the State Government shall reconstitute the State Authority by a fresh appointment of its chairperson and other members and in such case any person who had vacated his office under clause (a) of sub-section (2) shall not be deemed to be disqualified for re-appointment.

(4) The State Government shall cause a notification issued under sub-section (1) and a full report of any action taken under this section and the circumstances leading to such action to be laid before the State Legislature at the earliest.

Special provisions for States in north-east and hill States.

114. (1) Notwithstanding anything contained in this Act, the provisions of this Act shall, taking into consideration the communication, travel and transportation difficulties, apply to the States of Assam, Meghalaya, Tripura, Mizoram, Manipur, Nagaland, Arunachal Pradesh and Sikkim, with following modifications, namely:—

(a) under sub-section (3) of section 73, the chairperson of the Central Authority may constitute one or more Boards for all the States;

(b) in sub-section (2) of section 80, reference to the period of “seven days”, and in sub-section (3) of that section, reference to the period of “twenty-one days” shall be construed as “ten days” and “thirty days”, respectively;

(c) in sub-section (9) of section 87, reference to the period of “seventy-two hours” shall be construed as “one hundred twenty hours”, and in sub-sections (3) and (12) of that section, reference to a period of “seven days” shall be construed as “ten days”;

(d) in sub-section (3) of section 88, reference to the period of “twenty-four hours” shall be construed as “seventy-two hours”;

(e) in clauses (a) and (b) of sub-section (9) of section 89, reference to the period of “three days” and “seven days” shall be construed as “seven days” and “ten days” respectively;

(f) in sub-section (3) of section 90, reference to the period of “seven days” and in sub-section (4) of that section, reference to the period of “twenty-one days” shall be construed as “ten days” and “thirty days” respectively;

(g) in sub-section (4) of section 94, reference to the period of “seventy-two hours” shall be construed as “one hundred twenty hours”.

(2) The provisions of clauses (b) to (g) of sub-section (1) shall also apply to the States of Uttarakhand, Himachal Pradesh and Jammu and Kashmir and the Union territories of Lakshadweep and Andaman and Nicobar Islands.

(3) The provisions of this section shall cease to have effect on the expiry of a period of ten years from the commencement of this Act, except as respects things done or omitted to be done before such cesser, and upon such cesser section 6 of the General Clauses Act, 1897, shall apply as if this Act had then been repealed by a Central Act.

10 of 1897.

Presumption of severe stress in case of attempt to commit suicide.

115. (1) Notwithstanding anything contained in section 309 of the Indian Penal Code any person who attempts to commit suicide shall be presumed, unless proved otherwise, to have severe stress and shall not be tried and punished under the said Code.

45 of 1860.

(2) The appropriate Government shall have a duty to provide care, treatment and rehabilitation to a person, having severe stress and who attempted to commit suicide, to reduce the risk of recurrence of attempt to commit suicide.

116. No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which the Authority or the Board is empowered by or under this Act to determine, and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

Bar of jurisdiction.

14 of 1987.

117. The Central Government may, if it considers so necessary in the interest of persons with mental illness being governed by the Mental Health Act, 1987, take appropriate interim measures by making necessary transitory schemes.

Transitory provisions.

45 of 1860.

118. The chairperson, and other members and the officers and other employees of the Authority and Board shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Chairperson, members and staff of Authority and Board to be public servants.

119. No suit, prosecution or other legal proceeding shall lie against the appropriate Government or against the chairperson or any other member of the Authority or the Board, as the case may be, for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or regulation made thereunder in the discharge of official duties.

Protection of action taken in good faith.

120. The provisions of this Act shall have overriding effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

Act to have overriding effect.

121. (1) The Central Government may, by notification, make rules for carrying out the provisions of this Act.

Power of Central Government and State Governments to make rules.

(2) Subject to the provisions of sub-section (1), the State Government may, with the previous approval of the Central Government, by notification, make rules for carrying out the provisions of this Act:

Provided that the first rules shall be made by the Central Government, by notification.

(3) In particular, and without prejudice to the generality of the foregoing power, rules made under sub-section (1) may provide for all or any of the following matters, namely:—

(a) qualifications relating to clinical psychologist under sub-clause (ii) of clause (f) of sub-section (1) of section 2;

(b) qualifications relating to psychiatric social worker under clause (w) of sub-section (1) of section 2;

(c) the manner of nomination of members of the Central Authority under sub-section (2) of section 34;

(d) the salaries and allowances payable to, and the other terms and conditions of service of, the chairperson and other members of the Central Authority under sub-section (3) of section 35;

(e) the procedure for registration (including the fees to be levied for such registration) of the mental health establishments under sub-section (2) of section 43;

(f) the manner of nomination of members of the State Authority under sub-section (2) of section 46;

(g) the salaries and allowances payable to, and the other terms and conditions of service of, the chairperson and other members of the State Authority under sub-section (3) of section 47;

(h) the procedure for registration (including the fees to be levied for such registration) of the mental health establishments under sub-section (2) of section 55;

(i) the form of accounts and other relevant records and annual statement of accounts under sub-section (1) of section 59;

(j) the form in, and the time within which, an annual report shall be prepared under section 60;

(k) the form of accounts and other relevant records and annual statement of accounts under sub-section (1) of section 63;

(l) the form in, and the time within which, an annual report shall be prepared under section 64;

(m) manner of constitution of the Board by the State Authority for a district or groups of districts in a State;

(n) other disqualifications of chairperson or members of the Board under clause (e) of sub-section (2) of section 82;

(o) any other matter which is required to be, or may be, specified by rules or in respect for which provision is to be made by rules.

(4) In particular, and without prejudice to the generality of the foregoing power, rules made under sub-section (2) may provide for all or any of the following matters, namely:—

(a) the manner of proof of mental healthcare and treatment under sub-section (1) of section 4;

(b) provision of half-way homes, sheltered accommodation and supported accommodation under clause (b) of sub-section (4) of section 18;

(c) hospitals and community based rehabilitation establishment and services under clause (d) of sub-section (4) of section 18;

(d) basic medical records of which access is to be given to a person with mental illness under sub-section (1) of section 25;

(e) custodial institutions under sub-section (2) of section 27;

(f) the form of application to be submitted by the mental health establishment with the undertaking that the mental health establishment fulfils the minimum standards, if any, specified by the Authority, under the *Explanation* to sub-section (2) of section 65;

(g) the form of certificate of registration under sub-section (3) of section 65;

(h) the form of application, the details, the fees to be accompanied with it under sub-section (1) of section 66;

(i) the form of certificate of provisional registration containing particulars and information under sub-section (4) of section 66;

(j) the fees for renewal of registration under sub-section (II) of section 66;

(k) the person or persons (including representatives of the local community) for the purpose of conducting an audit of the registered mental health establishments under sub-section (1) and fees to be charged by the Authority for conducting such audit under sub-section (2) of section 67;

(l) the person or persons for the purpose of conducting and inspection or inquiry of the mental health establishments under sub-section (1) of section 68;

(m) the manner to enter and search of a mental health establishment operating without registration under sub-section (6) of section 68;

(n) the fees for issuing a duplicate certificate under sub-section (2) of section 70;

(o) the form and manner in which the Authority shall maintain in digital format a register of mental health establishments, the particulars of the certificate of registration so granted in a separate register to be maintained under section 71;

(p) constitution of the Boards under sub-section (3) of section 73;

(q) the honorarium and other allowances payable to, and the other terms and conditions of service of, the chairperson and members of the Board under sub-section (3) of section 75;

(r) method, modalities and procedure for transfer of prisoners under sub-section (2) of section 103;

(s) the standard and procedure to which the Central or State Health Authority shall confirm under sub-section (6) of section 103;

(t) the form for furnishing periodical information under section 110; and

(u) any other matter which is required to be, or may be, specified by rules or in respect for which provision is to be made by rules.

122. (1) The Central Authority may, by notification, make regulations, consistent with the provisions of this Act and the rules made thereunder, to carry out the provisions of this Act.

Power of Central Authority to make regulations.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(a) manner of making an advance directive under section 6;

(b) additional regulations, regarding the procedure of advance directive to protect the rights of persons with mental illness under sub-section (3) of section 12;

(c) the salaries and allowances payable to, and the other terms and conditions of service (including the qualifications, experience and manner of appointment) of, the chief executive officer and other officers and employees of the Central Authority under sub-section (3) of section 40;

(d) the times and places of meetings of the Central Authority and rules of procedure in regard to the transaction of business at its meetings (including quorum at such meetings) under sub-section (1) of section 44;

(e) the minimum standards of facilities and services under clause (a) of sub-section (4) of section 65;

(f) the minimum qualifications for the personnel engaged in mental health establishment under clause (b) of sub-section (4) of section 65;

(g) provisions for maintenance of records and reporting under clause (c) of sub-section (4) of section 65;

(h) any other conditions under clause (d) of sub-section (4) of section 65;

(i) categories of different mental health establishment under clause (a) of sub-section (5) of section 65;

(j) the form of application to be made by the mental health establishment and the fees to be accompanied with it under sub-section (12) of section 66;

(k) manner of submitting evidence under sub-section (13) of section 66;

(l) the manner of filing objections under sub-section (14) of section 66;

(m) the time and places and rules of procedure in regard to the transaction of business at its meetings to be observed by the Central Authority and the Board under section 87;

(n) regulations under sub-section (2) of section 96 and under sub-section (8) of section 97;

(o) any other matter which is required to be, or may be, specified by regulations or in respect of which provision is to be made by regulations.

Power of
State
Authority to
make
regulations.

123. (1) The State Authority may, by notification, make regulations, consistent with the provision of this Act and the rules made thereunder, to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(a) the minimum quality standards of mental health services under sub-section (9) of section 18;

(b) the salaries and allowances payable to, and the other terms and conditions of service (including the qualifications, experience and manner of appointment) of the chief executive officer and other officers and employees of the State Authority under sub-section (3) of section 52;

(c) the manner in which the State Authority shall publish the list of registered mental health professionals under clause (d) of sub-section (1) of section 55;

(d) the times and places of meetings of the State Authority and rules of procedure in regard to the transaction of business at its meetings (including quorum at such meetings) under sub-section (1) of section 56;

(e) the form of application to be made by the mental health establishment and the fees to be accompanied with it under sub-section (12) of section 66;

(f) the manner of filing objections under sub-section (14) of section 66;

(g) any other matter which is required to be, or may be, specified by regulations or in respect of which provision is to be made by regulations.

Laying of
rules and
regulations.

124. (1) Every rule made by the Central Government and every regulation made by the Central Authority under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation, as the case may be, or both Houses agree that the rule or regulation, as the case may be, should not be made, the rule or regulation, as the case may be, shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation, as the case may be.

(2) Every rule made by the State Government and every regulation made by the State Authority under this Act shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House.

Power to
remove
difficulties.

125. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to be necessary or expedient for removing the difficulty:

Provided that no order shall be made under this section after the expiry of two years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

14 of 1897.

126. (1) The Mental Health Act, 1987 is hereby repealed.

Repeal and saving.

(2) Notwithstanding such repeal,—

(a) anything done or any action taken or purported to have been done or taken (including any rule, notification, inspection, order or declaration made or any document or instrument executed or any direction given or any proceedings taken or any penalty or fine imposed) under the repealed Act shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act;

(b) the Central Authority for Mental Health Services, and the State Authority for Mental Health Services established under the repealed Act shall, continue to function under the corresponding provisions of this Act, unless and until the Central Authority and the State Authority are constituted under this Act;

(c) any person appointed in the Central Authority for Mental Health Services, or the State Authority for Mental Health Services or any person appointed as the visitor under the repealed Act and holding office as such immediately before the commencement of this Act, shall, on such commencement continue to hold their respective offices under the corresponding provisions of this Act, unless they are removed or until superannuated;

(d) any person appointed under the provisions of the repealed Act and holding office as such immediately before the commencement of this Act, shall, on such commencement continue to hold his office under the corresponding provisions of this Act, unless they are removed or until superannuated;

(e) any licence granted under the provisions of the repealed Act, shall be deemed to have been granted under the corresponding provisions of this Act unless the same are cancelled or modified under this Act;

(f) any proceeding pending in any court under the repealed Act on the commencement of this Act may be continued in that court as if this Act had not been enacted;

(g) any appeal preferred from the order of a Magistrate under the repealed Act but not disposed of before the commencement of this Act may be disposed of by the court as if this Act had not been enacted.

10 of 1897.

(3) The mention of the particular matters in sub-section (2) shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897 with regard to the effect of repeal.

DR. G. NARAYANARAJU,
Secretary to the Govt. of India.

P.R. 52
SC - 20

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,
ಹೆಚ್. ರಾಜ್‌ಕುಮಾರ್
ಸಹಾಯಕ ಪ್ರಾರೋಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ (ಪ್ರ),
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳ ಇಲಾಖೆ.

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ
ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯೂ ೨೭ ಕೇನಿಪ್ರ ೨೦೧೭, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: ೦೭-೦೬-೨೦೧೭

೨೦೧೭ನೇ ಸಾಲಿನ ೨೬-೦೫-೨೦೧೭ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ-II ಸೆಕ್ಷನ್ ೩(ii) ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ S.O. 1701(E) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 26th May, 2017

S.O. 1701(E).—WHEREAS, a draft notification was published in the Gazette of India, Extraordinary, vide notification of the Government of the India in the Ministry of Environment, Forest and Climate Change number S.O. 3226(E), dated the 1st December, 2015, inviting objections and suggestions from all persons likely to be affected thereby within the period of sixty days from date on which copies of the Gazette containing the said notification were made available to the public;

And Whereas, copies of the Gazette were made available to the public on the dated the 1st December, 2015;

And Whereas, objections and suggestions received from persons and stakeholders in response to the draft notification duly considered by the Central government.;

And Whereas, the **Brahmagiri Wildlife Sanctuary** was formed by including the entire forest areas of Brahmagiri Ghat and Urti reserve forests in the year 1974. The State Government vide its Notification No. AFD.50 FWL;74 Dated 05-06-1974 notified an area of **181.29 square kilometres** as Brahmagiri Wildlife Sanctuary under the provisions of the Sub-Section (1) of Section 18 of the Wildlife (Protection) Act, 1972.

And Whereas, Brahmagiri Wildlife Sanctuary is situated in Southern side of Kodagu district in the State of Karnataka and lies between North latitude 11° 55' to 12° 19' and East longitude 75° 44' to 76° 04';

And Whereas, the Brahmagiri Wildlife Sanctuary lies in the core of Western Ghats and is characterized by rugged terrain with slopes varying from 1% to more than 35% slope and it is a high rain fall ranging between 2500 mm to 6000 mm per year;

And Whereas, the Sanctuary supports rich biodiversity with high rate of endemism and is also home for critically endangered species. The important animals found in the sanctuary include Tiger (*Panthera tigris*), Leopard (Leopard *Panthera pardus*), Wild Dog (*Cuon alpinus*), Asiatic Elephant (*Elephas maximus*), Gaur or Indian Bison (*Bos*

gaurus), Sambar (*Rusa unicolor*), Barking deer (*Muntiacus muntjak*), Lion Tailed Macaque (*Macaque silenus*), Nilgiri Langur (*Trachypithecus johnii*), Nilgiri Marten (*Martes gwatkinsii*), Brown Palm Civet (*Paradoxurus jerdoni*), Leopard Cat (*Prionailurus bengalensis*), Slender Loris (*Loris lydekkerianus*), Travancore Flying Squirrel (*Petinomys fuscocapillus*), King Cobra (*Ophiophagus Hannah*), Indian Rock Python (*Python molurus molurus*), and Malabar Pied Hornbill (*Anthraceroceros coronatus*), Malabar Grey Hornbill (*Ocyrceros griseus*), Malabar Trogon (*Harpactes fasciatus*), Malabar Whistling Thrush (*Myophonus horsfieldii*), Wayanad Laughing Thrush (*Garrulax delesserti*), White-bellied Tree-pie (*Dendrocitta leucogastra*), Hill Myna (*Gracula religiosa*), etc. The Sanctuary is catchment for River Cauvery which is an important River of Karnataka and Lakshmanthirtha and Ramathirtha are the tributaries of River Cauvery that originates from Brahmagiri Wildlife Sanctuary and many perennial streams also originate from the Sanctuary;

And Whereas, the Sanctuary forms an important corridor for large mammals like Asiatic Elephant (*Elephas maximus*) and Tiger (*Panthera tigris*) to move between Nagarahole National Park and Talacauvery Wildlife Sanctuary in Karnataka and Wynad and Aralam Wildlife Sanctuaries in Kerala State and also forms part of the Mysore Elephant Reserve declared under the Project Elephant;

And Whereas, the sanctuary has a very high Floral and Faunal diversity, the sanctuary consists of evergreen and semi-evergreen forests interspersed with shola grasslands and the vegetation comprises of very important species like *Dipterocarpus indicus*, *Antiaris toxicaria*, *Kingiodendron pinnatum*, *Diospyrous ebenum*, *Bischofia javanica*, *Calophyllum apetalum*, *Cinnamomum zeylanicum*, *Dalbergia latifolia*, *Pterocarpus marsupium*, *Elaeocarpus sp.*, *Myristica sp.*, *Garcinia sp.*, *Machilus macaranta*, *Mesua ferrea*, *Hopea parviflora*, *Dysoxylum malabaricum*, *Cannarium strictum*, *Gnetum ula*, etc.

And Whereas, it is necessary to conserve and protect the area, the extent and boundaries of which are specified in paragraph 1 of this notification around the protected area of Brahmagiri Wildlife Sanctuary as Eco-sensitive Zone from ecological and environmental point of view and to prohibit industries or class of industries and their operations and processes in the said Eco-sensitive Zone.

Now Therefore, in exercise of the powers conferred by sub section (1) and clauses (v) and (xiv) of sub-section (2) and sub-section (3) of section 3 of the Environment (Protection) Act 1986 (29 of 1986) read with sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby notifies an area of Brahmagiri Wildlife Sanctuary in the State of Karnataka as the Brahmagiri Wildlife Sanctuary Eco-sensitive Zone (herein after referred to as the Eco-sensitive Zone) details of which are as under, namely:-

1. Extent and Boundaries of Eco-sensitive Zone.— (1) The total geographical area of Eco-sensitive Zone is 136.60 square kilometers (excluding enclosures) with an extent varying from 1 to 15 kilometres around the boundary of Brahmagiri Wildlife Sanctuary. The boundary description of the Eco-sensitive Zone is given in **Annexure- I**.

(2) The map of Eco-sensitive Zone boundary together with latitudes longitudes is appended as **Annexure II**;

(3) The Geo Coordinates of major points on the boundary of Brahmagiri Wildlife Sanctuary and on the boundary of Eco-sensitive Zone boundary is appended as **Annexure-III**.

(4) The list of villages and the details of reserved forest areas falling within the Eco-sensitive Zone is given at **Annexure-IV**.

2. Zonal Master Plan for the Eco-sensitive Zone.—(1) The State Government shall, for the purpose of the Eco-sensitive Zone prepare, a Zonal Master Plan, within a period of two years from the date of publication of final notification in the Official Gazette, in consultation with local people and adhering to the stipulations given in this notification for approval of Competent Authority in the State Government.

(2) The Zonal Master Plan for the Eco-sensitive Zone shall be prepared by the State Government in such manner as is specified in this notification and also in consonance with the relevant Central and State laws and the guidelines issued by the Central Government, if any.

(3) The Zonal Master Plan shall be prepared in consultation with the following State Departments, for integrating the ecological and environmental considerations into the said plan; namely:-

- i. Environment;
- ii. Forest and Wildlife;

- iii. Agriculture;
- iv. Revenue;
- v. Urban Development;
- vi. Tourism;
- vii. Rural Development;
- viii. Irrigation and Flood Control;
- ix. Municipal;
- x. Panchayati Raj;
- xi. Public Works Department.

(4) The Zonal Master Plan shall not impose any restriction on the approved existing land use, infrastructure and activities, unless so specified in this notification and the Zonal Master Plan shall factor in improvement of all infrastructure and activities to be more efficient and eco-friendly.

(5) The Zonal Master Plan shall provide for restoration of denuded areas, conservation of existing water bodies, management of catchment areas, watershed management, groundwater management, soil and moisture conservation, needs of local community and such other aspects of the ecology and environment that need attention.

(6) The Zonal Master Plan shall demarcate all the existing worshipping places, villages and urban settlements, types and kinds of forests, agricultural areas, fertile lands, green area, such as, parks and like places, horticultural areas, orchards, lakes and other water bodies and also with supporting maps. The Plan shall be supported by Maps giving details of existing and proposed land use features.

(7) The Zonal Master Plan shall regulate development in Eco-sensitive Zone and adhere to prohibited, regulated activities listed in Table and also ensure and promote eco-friendly development for livelihood security of local communities.

(8) The Zonal Master Plan shall be co-terminus with the Regional Development Plan.

(9) The Zonal Master Plan so approved shall be the reference document for the Monitoring Committee for carrying out its functions of monitoring in accordance with the provisions of this notification.

3. **Measures to be taken by State Government.**—The State Government shall take the following measures for giving effect to the provisions of this notification, namely:-

- (1) **Landuse.**—(a) Forests, horticulture areas, agricultural areas, parks and open spaces earmarked for recreational purposes in the Eco-sensitive Zone shall not be used or converted into areas for major commercial or major residential complex or industrial activities:

Provided that the conversion of agricultural and other lands, for the purpose other than that specified at part (a), within the Eco-sensitive Zone may be permitted on the recommendation of the Monitoring Committee, and with the prior approval of the competent authority under Regional Town Planning Act and other rules and regulations of Central/State Government as applicable and vide provisions of this Notification, to meet the residential needs of the local residents such as:

- (i) Widening and strengthening of existing roads and construction of new roads;
- (ii) Construction and renovation of infrastructure and civic amenities;
- (iii) Small scale industries not causing pollution;
- (iv) Cottage industries including village industries; convenience stores and local amenities supporting eco-tourism including home stay; and
- (v) Promoted activities and given under para 4:

Provided further that no use of tribal land shall be permitted for commercial and industrial development activities without the prior approval of the competent authority under Regional Town Planning Act and other rules and regulations of State Government and without compliance of the provisions of article 244 of the Constitution or the law for the time being in force, including the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007):

Provided also that any error appearing in the land records within the Eco-sensitive Zone shall be corrected by the State Government, after obtaining the views of Monitoring Committee, once in each case and the correction of said error shall be intimated to the Central Government in the Ministry of Environment, Forest and Climate Change:

Provided also that the above correction of error shall not include change of land use in any case except as provided under this sub-paragraph.

(b) Efforts shall be made to reforest the unused or unproductive agricultural areas with afforestation and habitat restoration activities.

(2) Natural water bodies.—The catchment areas of all natural springs or rivers or channels shall be identified and plans for their conservation and rejuvenation shall be incorporated in the Zonal Master Plan.

(3) Tourism/ Eco-tourism.—(a) All new eco-tourism activities or expansion of existing tourism activities within the Eco-Sensitive Zone shall be as per the Tourism Master Plan for the Eco-sensitive Zone.

(b) The Eco-Tourism Master Plan shall be prepared by Department of Tourism in consultation with State Departments of Environment and Forests.

(c) The Tourism Master Plan shall form a component of the Zonal Master Plan.

(d) The activities of eco-tourism shall be regulated as under, namely:—

(i) No new construction of hotels and resorts shall be allowed within 1 km from the boundary of the Wildlife Sanctuary or upto the extent of the ESZ whichever is nearer. However, beyond the distance of 1 km from the boundary of the Wildlife Sanctuary till the extent of the Eco-sensitive Zone, the establishment of new hotels and resorts shall be allowed only in pre-defined and designated areas for Eco-tourism facilities as per Tourism Master Plan.

(ii) all new tourism activities or expansion of existing tourism activities within the Eco-sensitive Zone shall be in accordance with the guidelines issued by the Central Government in the Ministry of Environment, Forest and Climate Change and the eco-tourism guidelines issued by National Tiger Conservation Authority (as amended from time to time) with emphasis on eco-tourism;

(iii) Until the Zonal Master Plan is approved, development for tourism and expansion of existing tourism activities shall be permitted by the concerned regulatory authorities based on the actual site specific scrutiny and recommendation of the Monitoring Committee and no new hotel /resort or commercial establishment construction is permitted within ESZ area.

(4) Natural Heritage.—All sites of valuable natural heritage in the Eco-sensitive Zone, such as the gene pool reserve areas, rock formations, waterfalls, springs, gorges, groves, caves, points, walks, rides, cliffs, etc. shall be identified and a heritage conservation plan shall be drawn up for their preservation and conservation as a part of the Zonal Master Plan.

(5) Man-made heritage sites.—Buildings, structures, artefacts, areas and precincts of historical, architectural, aesthetic, and cultural significance shall be indentified in the Eco-sensitive Zone and heritage conservation plan for their conservation shall be prepared as part Zonal Master Plan.

(6) Noise pollution.—Prevention and Control of noise pollution in the Eco-sensitive Zone shall be complied with in accordance with Noise Pollution (Regulation And Control) Rules, 2000 under the Environment (Protection) Act, 1986 and amendments thereto.

(7) Air pollution.—Prevention and control of air pollution in the Eco-sensitive Zone shall be complied with in accordance with the provisions of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981) and rules made thereunder and amendments thereto.

(8) Discharge of effluents.—Discharge of treated effluent in Eco-sensitive Zone shall be in accordance with the provisions of the General Standards for Discharge of Environmental Pollutants covered under the Environmental

(Protection) Act, 1986 and rules made thereunder or standards stipulated by State Government whichever is more stringent.

(9) Solid wastes.—Disposal and Management of solid wastes shall be as under:-

(a) the solid waste disposal and management in Eco-sensitive Zone shall be carried out in accordance with the Solid Waste Management Rules, 2016 and published by the Government of India in the Ministry of Environment, Forests and Climate Change vide notification number S.O. 1357(E), dated 8th April, 2016 as amended from time to time;

the inorganic material may be disposed in an environmental acceptable manner at site identified outside the Eco-sensitive Zone;

(b) No burning or incineration of solid wastes and establishment of landfills shall be permitted in the Eco-sensitive Zone.

(10) Bio-medical waste.—Bio medical waste management shall be as under:

(a) The bio-medical waste disposal in the Eco-sensitive Zone shall be carried out in accordance with the Bio-Medical Waste Management Rules, 2016 published by the Government of India in the Ministry of Environment, Forest and Climate Change vide Notification number GSR 343 (E), dated the 28th March, 2016 as amended from time to time.

(b) No common treatment facility or incineration shall be permitted within the Eco Sensitive Zone.

(11) Plastic Waste Management.—The Plastic Waste Management in the Eco-sensitive Zone shall be carried out as per the provisions of the Plastic Waste Management Rules, 2016 published by the Government of India in the Ministry of Environment, Forest and Climate Change vide notification number G.S.R. 340(E), dated the 18th March, 2016, as amended from time to time.

(12) Construction and Demolition Waste Management.—The Construction and Demolition Waste Management in the Eco-sensitive Zone shall be carried out as per the provisions of the Construction and Demolition Waste Management Rules, 2016 published by the Government of India in the Ministry of Environment, Forest and Climate Change vide notification number G.S.R. 317(E), dated the 29th March, 2016, as amended from time to time.

(13) E-waste.—The E- Waste Management in the Eco-sensitive Zone shall be carried out as per the provisions of the E-Waste Management Rules, 2016 published by the Government of India in the Ministry of Environment, Forest and Climate Change and as amended from time to time.

(14) Vehicular traffic.—The vehicular movement of traffic shall be regulated in a habitat friendly manner and specific provisions in this regard shall be incorporated in the Zonal Master Plan and till such time as the Zonal Master plan is prepared and approved by the Competent Authority in the State Government, the Monitoring Committee shall monitor compliance of vehicular movement under the relevant Acts and the rules and regulations made thereunder.

(15) Vehicular Pollution.—Prevention and control of Vehicular Pollution shall be complied with in accordance with applicable laws. Efforts to be made for use of cleaner fuel for example CNG, LPG, etc.

(16) Industrial Units.—(i) On or after the publication of this notification in the Official Gazette, no new polluting industries shall be allowed to be set up within the Eco-sensitive Zone.

(ii) Only non-polluting industries shall be allowed within ESZ as per classification of Industries in the Guidelines issued by Central Pollution Control Board in February 2016, unless so specified in this notification. In addition, non-polluting cottage industries shall be promoted.

(17) Protection of Hill Slopes.—The protection of hill slopes shall be as under:

(a) The Zonal Master Plan shall indicate areas on hill slopes where no construction shall be permitted.

(b) No construction on existing steep hill slopes or slopes with a high degree of erosion shall be permitted.

(18) The Central Government and the State Government shall specify other additional measures, if it considers necessary, in giving effect to the provisions of this notification.

4. List of activities prohibited or to be regulated within the Eco-sensitive Zone.—All activities in the Eco sensitive Zone shall be governed by the provisions of the Environment (Protection) Act, 1986 (29 of 1986) and the rules made there under including the Coastal Regulation Zone 2011 and the Environmental Impact Assessment (EIA) Notification, 2006 and other applicable laws including the Forest (Conservation) Act, 1980 (69 of 1980), the Indian

Forest Act, 1927 (16 of 1927), the Wildlife (Protection) Act 1972 (53 of 1972), and amendments made thereto and be regulated in the manner specified in the Table below, namely:—

TABLE

Sl. No.	Activity	Remark
(1)	(2)	(3)
A. Prohibited Activities		
1.	Commercial Mining.	(a) All new and existing (minor and major minerals), stone quarrying and crushing units are prohibited with immediate effect except for meeting the domestic needs of bona fide local residents including digging of earth for construction or repair of houses and for manufacture of country tiles or bricks for housing and for other activities. (b) The mining operations shall be carried out in accordance with the order of the Hon'ble Supreme Court dated the 4 th August, 2006 in the matter of T.N. Godavarman Thirumulpad Vs. UOI in W.P.(C) No.202 of 1995 and dated the 21 st April, 2014 in the matter of Goa Foundation Vs. UOI in W.P.(C) No.435 of 2012.
2.	Setting of industries causing pollution (Water, Air, Soil, Noise, etc.).	No new industries and expansion of existing polluting industries in the Eco-sensitive zone shall be permitted. Only non-polluting industries shall be allowed within Eco-sensitive Zone as per classification of Industries in the Guidelines issued by Central Pollution Control Board in February 2016, unless so specified in this notification. In addition, non-polluting cottage industries shall be promoted.
3.	Establishment of major hydroelectric project.	Prohibited (except as otherwise provided) as per applicable laws.
4.	Use or production or processing of any hazardous substances.	Prohibited (except as otherwise provided) as per applicable laws.
5.	Discharge of untreated effluents in natural water bodies or land area.	Prohibited (except as otherwise provided) as per applicable laws.
6.	Establishment of solid waste disposal site and common incineration facility for solid and bio medical waste.	No new solid waste disposal site and waste treatment/processing facility of solid waste is permitted within Eco sensitive zone. Further installation of common or individual incineration facility for treatment of any form of solid waste generated from industrial process and health establishment/hospitals etc. is Prohibited.
7.	Establishment of large-scale commercial livestock and poultry farms by firms, corporate, companies.	Prohibited (except as otherwise provided) as per applicable laws except for meeting local needs.
8.	Setting of new saw mills.	No new or expansion of existing saw mills shall be permitted within the Eco-sensitive Zone.
9.	Setting up of brick kilns.	Prohibited (except as otherwise provided) as per applicable laws.
10.	Commercial use of fire wood.	Prohibited (except as otherwise provided) as per applicable laws.
B. Regulated Activities		
11.	Commercial establishment of hotels and resorts.	No new commercial hotels and resorts shall be permitted within one kilometre of the boundary of the Protected Area or upto the extent of Eco-sensitive zone, whichever is nearer, except for small temporary structures for Eco-tourism activities. Provided that, beyond one kilometre from the boundary of the protected Area or upto the extent of Eco-sensitive zone whichever is nearer, all new tourist activities or expansion of existing activities shall be in conformity with the Tourism Master Plan and guidelines as applicable.

12.	Construction activities	<p>(a) No new commercial construction of any kind shall be permitted within one Kilometre from the boundary of the Protected Area or upto extent of the Eco-sensitive Zone whichever is nearer:</p> <p>Provided that, local people shall be permitted to undertake construction in their land for their use including the activities listed in sub paragraph (1) of paragraph 3 as per building byelaws to meet the residential needs of the local residents such as:</p> <p>(i) Widening and strengthening of existing roads and construction of new roads;</p> <p>(ii) Construction and renovation of infrastructure and civic amenities;</p> <p>(iii) Small scale industries not causing pollution termed as per Classification done by Central Pollution Control Board of February 2016;</p> <p>(iv) Cottage industries including village industries; convenience stores and local amenities supporting eco-tourism including home stays; and</p> <p>(v) Promoted activities listed in this Notification.</p> <p>Provided that the construction activity related to small scale industries not causing pollution shall be regulated and kept at the minimum, with the prior permission from the competent authority as per applicable rules and regulations, if any.</p> <p>(b) Beyond one kilometre it shall be regulated as per the Zonal Master Plan.</p>
13.	Small scale non polluting industries.	Non polluting industries as per classification of industries issued by the Central Pollution Control Board in February 2016 and non-hazardous, small-scale and service industry, agriculture, floriculture, horticulture or agro-based industry producing products from indigenous materials from the Eco-sensitive Zone shall be permitted by the competent Authority.
14.	Felling of Trees.	<p>(a) There shall be no felling of trees on the forest or Government or revenue or private lands without prior permission of the competent authority in the State Government.</p> <p>(b) The felling of trees shall be regulated in accordance with the provisions of the concerned Central or State Act and the rules made thereunder.</p>
15.	Collection of Forest produce or Non-Timber Forest Produce (NTFP).	Regulated under applicable laws.
16.	Erection of electrical and communication towers and laying of cables and other infrastructures.	Regulated under applicable law. Underground cabling may be promoted.
17.	Infrastructure including civic amenities.	Shall be done with mitigation measures, as per applicable laws, rules and regulation and available guidelines.
18.	Widening and strengthening of existing roads and construction of new roads.	Shall be done with mitigation measures, as per applicable laws, rules and regulation and available guidelines.
19.	Under taking other activities related to tourism like over flying the ESZ area by hot air balloon, helicopter, drones, Microlites, etc.	Regulated under applicable law.
20.	Protection of Hill Slopes and river banks.	Regulated under applicable laws.
21.	Movement of vehicular traffic at night.	Regulated for commercial purpose under applicable laws.
22.	Ongoing agriculture and horticulture practices by local communities along with dairies, dairy farming, aquaculture and fisheries.	Permitted under applicable laws for use of locals.

23.	Discharge of treated waste water/effluents in natural water bodies or land area.	The discharge of treated waste water/effluents shall be avoided to enter into the water bodies. Efforts to be made for recycle and reuse of treated waste water. Otherwise the discharge of treated waste water/effluent shall be regulated as per applicable laws.
24.	Commercial extraction of surface and ground water.	Regulated under applicable law.
25.	Open Well, Bore Well etc. for agriculture or other usage.	Regulated and the activity should be strictly monitored by the appropriate authority.
26.	Solid Waste Management.	Regulated under applicable laws.
27.	Introduction of Exotic species.	Regulated under applicable laws.
28.	Eco-tourism.	Regulated under applicable laws.
29.	Use of polythene bags.	Regulated under applicable laws.
30.	Commercial Sign boards and hoardings.	Regulated under applicable laws.
C. Promoted Activities		
31.	Rain water harvesting.	Shall be actively promoted.
32.	Organic farming.	Shall be actively promoted.
33.	Adoption of green technology for all activities.	Shall be actively promoted.
34.	Cottage industries including village artisans, etc.	Shall be actively promoted.
35.	Use of renewable energy and fuels.	Bio gas, solar light etc. to be actively promoted.
36.	Agro-Forestry.	Shall be actively promoted.
37.	Use of eco-friendly transport.	Shall be actively promoted.
38.	Skill Development.	Shall be actively promoted.
39.	Restoration of Degraded Land/ Forests/ Habitat.	Shall be actively promoted.
40.	Environmental Awareness.	Shall be actively promoted.

5. Monitoring Committee.—In exercise of the powers conferred by sub-section (3) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby constitutes a Monitoring Committee for a period of three years, for effective monitoring of the Eco-sensitive Zone, which shall comprise of, namely:-

- (i) Regional Commissioner, Mysore – Chairman
- (ii) Hon'ble Member of Legislative Assembly, Virajpet Constituency, Kodagu District – Member
(Subject to the State Government of Karnataka obtaining relevant approvals *inter alia* including permission from the Speaker of Legislative Assembly, Karnataka, if required)
- (iii) Representative of the Department of Environment, Government of Karnataka – Member;
- (iv) Representative of the Department of Urban Development, Government of Karnataka –Member;
- (v) Representative of Non-governmental Organizations working in the field of nature conservation (including heritage conservation) to be nominated by the Govt. of Karnataka for three years– Member;
- (vi) The Regional Officer, Karnataka State Pollution Control Board, Mysore – Member;
- (vii) One expert in Ecology from reputed Institution or University of the State of Karnataka to be nominated by the Govt. of Karnataka for three years – Member.

- (viii) Member-Secretary/Member of the State Biodiversity Board - Member
- (ix) Deputy Commissioner or his representative, Kodagu District, Madikeri – Member
- (x) The Deputy Conservator of Forests, Madikeri Wildlife Division, Madikeri – Member Secretary.

6. Terms of Reference.—(1) The Monitoring Committee shall monitor the compliance of the provisions of this notification.

- (2) The activities that are covered in the schedule to the notification of the Government of India in the erstwhile Ministry of Environment and Forest number S.O. 1533 (E), dated the 14th September, 2006, and are falling in the Eco-sensitive Zone, except for the prohibited activities as specified in the Table under paragraph 4 thereof, shall be scrutinized by the Monitoring Committee based on the actual site-specific conditions and referred to the Central Government in the Ministry of Environment, Forest and Climate Change for prior environmental clearances under the provisions of the said notification.
- (3) The activities that are not covered in the schedule to the notification of the Government of India in the erstwhile Ministry of Environment and Forest number S.O. 1533 (E), dated the 14th September, 2006 and are falling in the Eco-sensitive Zone, except for the prohibited activities as specified in the Table under paragraph 4 thereof, shall be scrutinized by the Monitoring Committee based on the actual site-specific conditions and referred to the concerned regulatory authorities.
- (4) The Member-Secretary of the Monitoring Committee or the concerned Collector(s) or the concerned park Deputy Conservator of Forests shall be competent to file complaints under section 19 of the Environment (Protection) Act, 1986 against any person who contravenes the provisions of this notification.
- (5) The Monitoring Committee may invite representatives or experts from concerned Departments, representatives from industry associations or concerned stakeholders to assist in its deliberations depending on the requirements on issue to issue basis.
- (6) The Monitoring Committee shall submit the annual action taken report of its activities as on 31st March of every year by 30th June of that year to the Chief Wildlife Warden of the State as per pro- forma appended at **Annexure-V**.
- (7) The Central Government in the Ministry of Environment, Forest and Climate Change may give such directions, as it deems fit, to the Monitoring Committee for effective discharge of its functions.
- 7. The Central Government and State Government may specify additional measures, if any, for giving effect to provisions of this notification.
- 8. The provisions of this notification shall be subject to the orders, if any, passed, or to be passed, by the Hon'ble Supreme Court of India or the High Court or National Green Tribunal.

[F. No. 25/168/2015-ESZ]

LALIT KAPUR, Scientist 'G'

ANNEXURE - I

Boundary description of the Eco-sensitive Zone around Brahmagiri Wildlife Sanctuary.

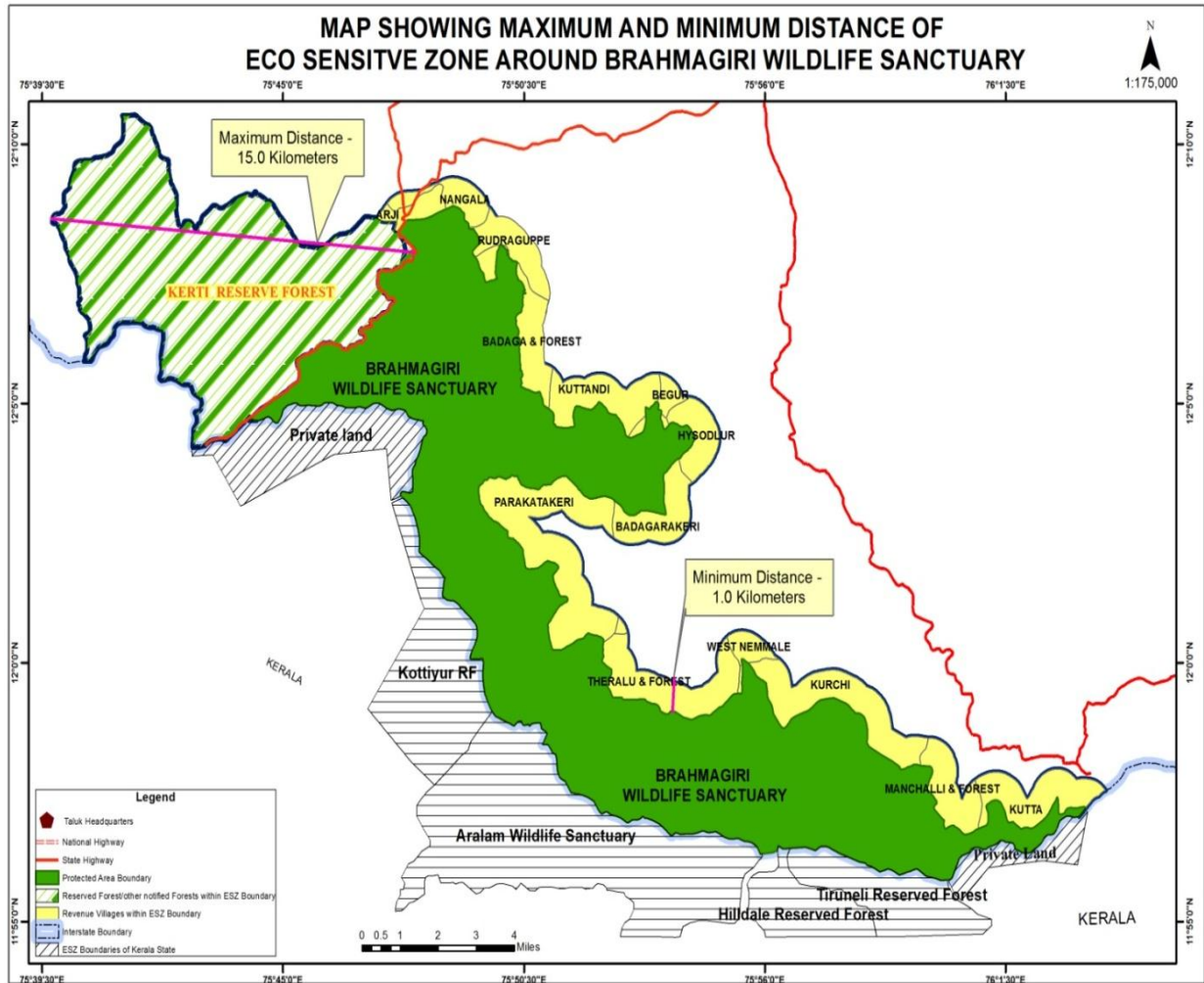
North: The boundary line of Eco-sensitive Zone starts at Soma Male on the “D” line of Kerti reserve forest boundary and runs in South-Eastern direction and all along the northern boundary of Kerti reserve forest till it reaches a point where the “D”-line of Urti reserve forest and Kerti reserve forest meets i.e. common point at Perambadi tank.

The Eco-sensitive Zone boundary line then runs at a width of 1 Kilometer parallel to the D-Line of Brahmagiri Wildlife Sanctuary passing through the villages of Arji, Nangala, Rudraguppe, Badaga & Forest, Kuttandi, Begur, Hysodlur, Badagarakeri, Parakatakeri, Theralu & Forest, West Nemmale, Kurchi, Manchalli & Forest and Kutta villages.

East – South – West : Then the line runs in South-Western direction and runs all along the common boundary of Brahmagiri Wildlife Sanctuary and interstate boundary till it reaches the common point of Urti reserve forest of Brahmagiri Wildlife Range and Kerti reserve forest of Makutta Range at Kutupuzha Bridge. Then the line traverses all along the boundary of Kerti reserve forest and reaches the starting point at Soma Male. The concurrence to include the Private lands, Reserved Forests and Protected Areas of the Kerala State as shown in the map within the Eco-sensitive Zone has been obtained.

ANNEXURE - II

Map showing Eco-Sensitive Zone around Brahmagiri Wildlife Sanctuary



ANNEXURE-III

Table showing Geo Coordinates of major points on the boundary of Brahmagiri Wildlife Sanctuary.

Map ID	Longitude			Latitude		
	Degree	Minutes	Seconds	Degree	Minutes	Seconds
1	75	47	39.19	12	8	20.27
2	75	48	53.75	12	8	48.27
3	75	49	38.08	12	7	20.14
4	75	49	58.11	12	8	3.83
5	75	50	32.39	12	7	7.39
6	75	50	25.41	12	5	20.37
7	75	51	39.28	12	4	33.47
8	75	52	16.23	12	4	59.75
9	75	53	30.76	12	5	1.48
10	75	53	44.19	12	2	51.36
11	75	51	33.02	12	3	31.55
12	75	49	28.53	12	3	23.72
13	75	50	32.57	12	1	49.59
14	75	51	16.41	12	1	51.86
15	75	51	29.45	12	1	11.50
16	75	51	10.82	12	0	14.60
17	75	52	19.16	12	0	26.75
18	75	52	31.05	11	59	20.80
19	75	53	56.10	11	59	2.94
20	75	55	30.59	12	0	3.38
21	75	56	27.64	11	58	44.65
22	75	58	15.23	11	58	57.57
23	75	59	47.88	11	57	59.02
24	76	1	15.17	11	57	20.53
25	76	2	40.55	11	57	24.05
26	76	3	20.68	11	57	12.93
27	76	0	13.20	11	55	48.59
28	75	55	53.55	11	56	18.61
29	75	50	50.54	11	58	50.24
30	75	48	39.29	12	1	15.89
31	75	48	8.53	12	4	40.20
32	75	44	13.20	12	4	43.79
33	75	45	18.84	12	5	46.08
34	75	47	31.15	12	6	55.40

Table showing Geo Coordinates of major points on the boundary of Eco-sensitive Zone around Brahmagiri Wildlife Sanctuary.

Map ID	Longitude			Latitude		
	Degree	Minutes	Seconds	Degree	Minutes	Seconds
1	75	41	24.17	12	10	32.90
2	75	42	42.45	12	8	24.72
3	75	47	11.04	12	8	37.40
4	75	49	47.99	12	8	40.68
5	75	50	59.11	12	5	44.92
6	75	53	37.12	12	5	33.56
7	75	54	19.39	12	3	27.75
8	75	52	31.84	12	2	25.59
9	75	50	37.42	12	2	47.71
10	75	52	39.34	12	0	52.59
11	75	55	7.45	12	0	28.94
12	75	56	39.41	11	59	31.79
13	75	59	10.53	11	58	34.00
14	76	0	28.34	11	57	22.22
15	76	2	1.15	11	57	23.59
16	76	3	46.80	11	57	32.12
17	75	42	55.20	12	4	8.70
18	75	42	10.42	12	5	29.64
19	75	40	29.88	12	5	48.72
20	75	39	43.88	12	8	28.68

ANNEXURE-IV

List of villages falling within the Eco-sensitive Zone around Brahmagiri Wildlife Sanctuary

Map Id	Name of the Village	Name of the Taluk	Extent in ha.	Latitude			Longitude			Remarks
				Degrees	Minutes	Seconds	Degrees	Minutes	Seconds	
1	Arji	Virajpet	33.75	12	8	37.42	75	47	23.79	1 Kilometer
2	Nangala	Virajpet	281.72	12	8	55.30	75	48	50.68	1 Kilometer
3	Rudraguppe	Virajpet	546.18	12	8	12.17	75	49	40.48	1 Kilometer
4	Kuttandi	Virajpet	613.11	12	5	5.94	75	52	18.00	1 Kilometer
5	Badaga & Forest	Virajpet	500.52	12	6	25.77	75	50	32.96	1 Kilometer
6	Begur	Virajpet	98.65	12	5	9.02	75	53	48.68	1 Kilometer
7	Hysodlur	Virajpet	350.80	12	4	21.87	75	54	26.01	1 Kilometer
8	Badagarakeri	Virajpet	536.40	12	2	53.95	75	53	30.50	1 Kilometer
9	Parakatakeri	Virajpet	1508.63	12	2	12.87	75	51	11.89	1 Kilometer
10	West Nemmale	Virajpet	151.26	12	0	17.27	75	55	38.36	1 Kilometer
11	Theralu & Forest	Virajpet	781.58	11	59	37.23	75	53	49.57	1 Kilometer
12	Kurchi	Virajpet	941.23	11	59	9.01	75	57	39.10	1 Kilometer
13	Manchalli & Forest	Virajpet	457.29	11	57	33.00	76	0	14.76	1 Kilometer
14	Kutta	Virajpet	640.02	11	57	25.23	76	2	10.37	1 Kilometer
			7441.14							

Details of Reserved Forests areas within the Eco-sensitive Zone of Brahmagiri Wildlife Sanctuary.

Sl. No.	Name of the Forest	District	Taluk	Area in Sq. Km	GO. No./ Notification No. & Date
1.	Kerti Reserve Forest	Kodagu	Virajpet	62.79	Commissioner of Coorg Province Notification No: 58 Dated: 24.06.1908
Total				62.79	

ANNEXURE – V**Performa of Action Taken Report:- Eco-sensitive Zone Monitoring Committee.-**

1. Number and date of meetings.
2. Minutes of the meetings: Mention main noteworthy points. Attach minutes of the meeting on separate Annexure.
3. Status of preparation of Zonal Master Plan including Tourism Master Plan.
4. Summary of cases dealt for rectification of error apparent on face of land record. [Details may be attached as Annexure]
5. Summary of cases scrutinised for activities covered under Environment Impact Assessment Notification, 2006. [Details may be attached as separate Annexure]
6. Summary of cases scrutinised for activities not covered under Environment Impact Assessment Notification, 2006. [Details may be attached as separate Annexure]
7. Summary of complaints lodged under Section 19 of Environment (Protection) Act, 1986.
8. Any other matter of importance.

P.R. 62
SC - 20

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,
ಹೆಚ್. ರಾಜ್‌ಕುಮಾರ್
ಸಹಾಯಕ ಪ್ರಾರೋಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ (ಪ್ರ),
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳ ಇಲಾಖೆ.

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯೂ 30 ಕೇನಿಪ್ರ 2017, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 24-06-2017

2017ನೇ ಸಾಲಿನ 08-05-2017 ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ-II ಸೆಕ್ಷನ್ 3(ii) ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ S.O. 1857(E) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 6th June, 2017

S.O. 1857(E).—WHEREAS, a draft notification was published in the Gazette of India, Extraordinary, vide notification of the Government of the India in the Ministry of Environment, Forest and Climate Change number S.O. 3329(E), dated the 07th December 2015, inviting objections and suggestions from all persons likely to be affected thereby within the period of sixty days from date on which copies of the Gazette containing the said notification were made available to the public;

AND WHEREAS, no objections and suggestions received from persons and stakeholders in response to the draft notification;

AND WHEREAS, the Arabithittu Wildlife Sanctuary is situated in Hunsur taluk of Mysore district, in the state of Karnataka and lies between the Latitudes 12° 17' 16" to 12° 20' 41" North and longitudes 76° 22' 43" to 76° 28' 51" East and in spread over an area of 13.5 Square kilometers;

AND WHEREAS, the Sanctuary harbors varied fauna including Panther, Spotted Deer, Wild Boar, Indian Porcupine, Indian hare, Common Mongoose, Fox, Partridges, Cobra, Rat Snakes, Viper etc.;

AND WHEREAS, the Sanctuary has dry deciduous scrub forests which have *Santalum album*, *Anogeissus latifolia*, *Emblia officinalis*, *Ficus species*, *Hardwickia binata*, *Mitragyna parviflora*, *Terminalia tomentosa*, *Zizypus spp*, *Cassia fistula*, *Dodonea viscosa*, *Diospyros melanoxylon*, *Syzygium cumini*, *Chloroxylon swietenia*, *Acacia sundra* etc., of which *Santalum album* (Sandal) is endangered species;

AND WHEREAS, the Ministry of Defence, Government of India, has set up a Defence Research and Development Organisation establishment at Arabithittu Wildlife Sanctuary by acquiring 718.39 acre revenue lands adjacent to the said Sanctuary during the year 1992-93 and the defense authorities have fenced the boundary of Arabithittu Wildlife Sanctuary for protection;

AND WHEREAS, the pressure of grazing on the said Sanctuary is high as it is surrounded by many villages and an extent of 4.45 Sq. km. of forest land (includes deemed and notified forests) lies adjacent to the said Sanctuary;

AND WHEREAS, it is necessary to conserve and protect the area the extent and boundaries of which is specified in paragraph 1 of this notification around the Arabithittu Wildlife Sanctuary as Eco-sensitive Zone from ecological and environmental point of view and to prohibit industries or class of industry and their operations and processes in the said Eco-sensitive Zone;

NOW THEREFORE, in exercise of the powers conferred by sub-section (1) read with clause (v) and clause (xiv) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 the Central Government hereby notifies an area to an extent varying from 1.0 kilometer to 3.25 kilometers from the boundary of Arabithittu Wildlife Sanctuary in the State of Karnataka, as the Arabithittu Wildlife Sanctuary Eco-sensitive Zone (hereinafter referred to as the Eco-sensitive Zone) details of which are as under, namely:-

1. Extent and Boundary of Eco-sensitive Zone.-

- (1) The total geographical area of the Eco-sensitive Zone is 44.82 square kilometers (excluding Defence Research Development Organisation areas) with an extent varying from 1.0 kilometer to 3.25 kilometers from the boundary of the Arabithittu Wildlife Sanctuary and the description of boundaries is given in **Annexure-I**.
- (2) The map of Eco-sensitive Zone boundary together with latitudes longitudes is appended as **Annexure II**.
- (3) The Geo Coordinates of major points on the boundary of Arabithittu Wildlife Sanctuary and on the boundary of Eco-sensitive Zone is appended as **Annexure-III**.

- (4) The list of 20 villages falling within the Eco-sensitive Zone is given at **Annexure-IV**.

2. Zonal Master Plan for Eco-sensitive Zone.-

(1) The State Government shall, for the purpose of the Eco-sensitive Zone prepare, a Zonal Master Plan, within a period of two years from the date of publication of this notification in the Official Gazette, in consultation with local people and adhering to the stipulations given in this notification for approval of Competent Authority in the State Government.

(2) The Zonal Master Plan for the Eco-sensitive Zone shall be prepared by the State Government in such manner as is specified in this notification and also in consonance with the relevant Central and State laws and the guidelines issued by the Central Government, if any.

(3) The Zonal Master Plan shall be prepared in consultation with the following State Departments, for integrating the ecological and environmental considerations into the said plan:-

- (i) Environment;
- (ii) Forest and Wildlife;
- (iii) Agriculture;
- (iv) Revenue;
- (v) Urban Development;
- (vi) Tourism;
- (vii) Rural Development;
- (viii) Irrigation and Flood Control;
- (ix) Municipal;
- (x) Panchayati Raj;
- (xi) Public Works Department.

(4) The Zonal Master Plan shall not impose any restriction on the approved existing land use, infrastructure and activities, unless so specified in this notification and the Zonal Master Plan shall factor in improvement of all infrastructure and activities to be more efficient and eco-friendly.

(5) The Zonal Master Plan shall provide for restoration of denuded areas, conservation of existing water bodies, management of catchment areas, watershed management, groundwater management, soil and moisture conservation, needs of local community and such other aspects of the ecology and environment that need attention.

(6) The Zonal Master Plan shall demarcate all the existing worshipping places, villages and urban settlements, types and kinds of forests, agricultural areas, fertile lands, green area, such as, parks and like places, horticultural areas, orchards, lakes and other water bodies and also with supporting maps and the Plan shall be supported by Maps giving details of existing and proposed land use features.

(7) The Zonal Master Plan shall regulate development in Eco-sensitive Zone and adhere to prohibited, regulated activities listed in Table and also ensure and promote eco-friendly development for livelihood security of local communities.

(8) The Zonal Master Plan shall be co-terminus with the Regional Development Plan.

(9) The Zonal Master Plan so approved shall be the reference document for the Monitoring Committee for carrying out its functions of monitoring in accordance with the provisions of this notification.

3. Measures to be taken by State Government.-

The State Government shall take the following measures for giving effect to the provisions of this notification, namely:-

(1) Landuse.-

- (a) Forests, horticulture areas, agricultural areas, parks and open spaces earmarked for recreational purposes in the Eco-sensitive Zone shall not be used or converted into areas for major commercial or major residential complex or industrial activities:

Provided that the conversion of agricultural and other lands, for the purpose other than that specified at part (a), within the Eco-sensitive Zone may be permitted on the recommendation of the Monitoring Committee, and with the prior approval of the competent authority under the relevant State laws and other rules and regulations of Central or State Government as applicable and vide provisions of this Notification, to meet the residential needs of the local residents such as:-

- (i) widening and strengthening of existing roads and construction of new roads;
- (ii) construction and renovation of infrastructure and civic amenities;
- (iii) small scale industries not causing pollution;
- (iv) cottage industries including village industries; convenience stores and local amenities supporting eco-tourism including home stay; and
- (v) promoted activities and given under para 4:

Provided further that no use of tribal land shall be permitted for commercial and industrial development activities without the prior approval of the competent authority under the relevant State laws and other rules and regulations of State Government and without compliance of the provisions of article 244 of the Constitution or the law for the time being in force, including the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007):

Provided also that any error appearing in the land records within the Eco-sensitive Zone shall be corrected by the State Government, after obtaining the views of Monitoring Committee, once in each case and the correction of said error shall be intimated to the Central Government in the Ministry of Environment, Forest and Climate Change:

Provided also that the above correction of error shall not include change of land use in any case except as provided under this sub-paragraph.

- (b) Efforts shall be made to reforest the unused or unproductive agricultural areas with afforestation and habitat restoration activities.

(2) Natural water bodies.- The catchment areas of all natural springs or rivers or channels shall be identified and plans for their conservation and rejuvenation shall be incorporated in the Zonal Master Plan.

(3) Tourism/ Eco-tourism.-

(a) All new Eco-tourism activities or expansion of existing tourism activities within the Eco-sensitive Zone shall be as per the Tourism Master Plan for the Eco-sensitive Zone.

(b) The Eco-tourism Master Plan shall be prepared by Department of Tourism in consultation with State Departments of Environment and Forests.

(c) The Tourism Master Plan shall form a component of the Zonal Master Plan.

(d) The activities of Eco-tourism shall be regulated as under, namely:—

(i) No new construction of hotels and resorts shall be allowed within 1 km. from the boundary of the Wildlife Sanctuary or upto the extent of the Eco-sensitive Zone whichever is nearer. However, beyond the distance of 1 km. from the boundary of the Wildlife Sanctuary till the extent of the Eco-sensitive Zone, the establishment of new hotels and resorts shall be allowed only in pre-defined and designated areas for Eco-tourism facilities as per Tourism Master Plan.

(ii) All new tourism activities or expansion of existing tourism activities within the Eco-sensitive Zone shall be in accordance with the guidelines issued by the Central Government in the Ministry of Environment, Forest and Climate Change and the eco-tourism guidelines issued by National Tiger Conservation Authority with emphasis on Eco-tourism.

(iii) Until the Zonal Master Plan is approved, development for tourism and expansion of existing tourism activities shall be permitted by the concerned regulatory authorities based on the actual site specific scrutiny and recommendation of the Monitoring Committee and no new hotel or resort or commercial establishment construction is permitted within Eco-sensitive Zone area.

(4) Natural Heritage.- All sites of valuable natural heritage in the Eco-sensitive Zone, such as the gene pool reserve areas, rock formations, waterfalls, springs, gorges, groves, caves, points, walks, rides, cliffs, etc. shall be identified and a heritage conservation plan shall be drawn up for their preservation and conservation as a part of the Zonal Master Plan.

(5) Man-made heritage sites.- Buildings, structures, artefacts, areas and precincts of historical, architectural, aesthetic, and cultural significance shall be indentified in the Eco-sensitive Zone and heritage conservation plan for their conservation shall be prepared as part Zonal Master Plan.

(6) Noise pollution.- Prevention and Control of noise pollution in the Eco-sensitive Zone shall be complied with in accordance with Noise Pollution (Regulation And Control) Rules, 2000 under the Environment (Protection) Act, 1986 .

(7) Air pollution.- Prevention and control of air pollution in the Eco-sensitive Zone shall be complied with in accordance with the provisions of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981) and rules made thereunder .

(8) Discharge of effluents.- Discharge of treated effluent in Eco-sensitive Zone shall be in accordance with the provisions of the General Standards for Discharge of Environmental Pollutants covered under the Environmental (Protection) Act, 1986 and rules made thereunder or standards stipulated by State Government .

(9) Solid wastes.- Disposal and Management of solid wastes shall be as under:—

(a) The solid waste disposal and management in Eco-sensitive Zone shall be carried out in accordance with the Solid Waste Management Rules, 2016 published by the Government of India in the Ministry of Environment, Forest and Climate Change vide notification number S.O. 1357 (E), dated the 8th April, 2016 and the inorganic material may be disposed in an environmental acceptable manner at site identified outside the Eco-sensitive Zone.

(b) No burning or incineration of solid wastes and establishment of landfills shall be permitted in the Eco-sensitive Zone.

(10) Bio-medical waste.- Bio medical waste management shall be as under:—

(a) The bio-medical waste disposal in the Eco-sensitive Zone shall be carried out in accordance with the Bio-Medical Waste Management Rules, 2016 published by the Government of India in the Ministry of Environment, Forest and Climate Change vide notification number G.S.R. 343 (E), dated the 28th March, 2016 .

(b) No common treatment facility or incineration shall be permitted within the Eco- sensitive Zone.

(11) Plastic Waste Management.- The Plastic Waste Management in the Eco-sensitive Zone shall be carried out as per the provisions of the Plastic Waste Management Rules, 2016 published by the Government of India in the Ministry of Environment, Forest and Climate Change vide notification number G.S.R. 340(E), dated the 18th March, 2016.

(12) Construction and Demolition Waste Management.-The Construction and Demolition Waste Management in the Eco-sensitive Zone shall be carried out as per the provisions of the Construction and Demolition Waste Management Rules, 2016 published by the Government of India in the Ministry of Environment, Forest and Climate Change vide notification number G.S.R. 317(E), dated the 29th March, 2016.

(13) E-waste.- The E- Waste Management in the Eco-sensitive Zone shall be carried out as per the provisions of the E-Waste Management Rules, 2016 published by the Government of India in the Ministry of Environment, Forest and Climate Change .

(14) Vehicular traffic.- The vehicular movement of traffic shall be regulated in a habitat friendly manner and specific provisions in this regard shall be incorporated in the Zonal Master Plan and till such time as the Zonal Master plan is prepared and approved by the Competent Authority in the State Government, the Monitoring Committee shall monitor compliance of vehicular movement under the relevant Acts and the rules and regulations made thereunder.

(15) Vehicular Pollution.- Prevention and control of Vehicular Pollution shall be complied with in accordance with applicable laws and efforts to be made for use of cleaner fuel for example CNG, LPG, etc.

(16) Industrial Units.- (i) On or after the publication of this notification in the Official Gazette, no new polluting industries shall be allowed to be set up within the Eco-sensitive Zone.

(ii) Only non-polluting industries shall be allowed within Eco-sensitive Zone as per classification of Industries in the Guidelines issued by Central Pollution Control Board in February 2016, unless so specified in this notification and in addition, non-polluting cottage industries shall be promoted.

(17) Protection of Hill Slopes.- The protection of hill slopes shall be as under: —

(a) The Zonal Master Plan shall indicate areas on hill slopes where no construction shall be permitted.

(b) No construction on existing steep hill slopes or slopes with a high degree of erosion shall be permitted.

(18) The Central Government and the State Government shall specify other additional measures, if it considers necessary, in giving effect to the provisions of this notification.

4. List of activities prohibited or to be regulated within Eco-sensitive Zone.-

All activities in the Eco-sensitive Zone shall be governed by the provisions of the Environment (Protection) Act, 1986 (29 of 1986) and the rules made there under including the Coastal Regulation Zone (CRZ), 2011 and the Environmental Impact Assessment (EIA) Notification, 2006 and other applicable laws including the Forest (Conservation) Act, 1980 (69 of 1980), the Indian Forest Act, 1927 (16 of 1927), the Wildlife (Protection) Act 1972 (53 of 1972), and amendments made thereto and be regulated in the manner specified in the Table below, namely:-

TABLE

S. No.	Activity	Description
A. Prohibited Activities		
1.	Commercial Mining.	(a) All new and existing (minor and major minerals), stone quarrying and crushing units are prohibited with immediate effect except for meeting the domestic needs of bona fide local residents including digging of earth for construction or repair of houses and for manufacture of country tiles or bricks for housing and for other activities. (b) The mining operations shall be carried out in accordance with the order of the Hon'ble Supreme Court dated 04.08.2006 in the matter of T.N. Godavarman Thirumulpad Vs. UOI in W.P.(C) No. 202 of 1995 and dated 21.04.2014 in the matter of Goa Foundation Vs. UOI in W.P.(C) No. 435 of 2012.
2.	Setting of new industries causing pollution (Water, Air, Soil, Noise, etc.).	No new or expansion of polluting industries in the Eco-sensitive Zone shall be permitted. Industries categorised as Green or White in the Central Pollution Control Board Classification including agro-based small scale industries, will be regulated as per regulations.
3.	Establishment of major hydroelectric project.	Prohibited (except as otherwise provided) as per applicable laws.
4.	Use or production of any hazardous substances.	Prohibited (except as otherwise provided) as per applicable laws.
5.	Discharge of untreated effluents in natural water bodies or land area.	Prohibited (except as otherwise provided) as per applicable laws.
6.	Establishment of large-scale commercial livestock and poultry farms by firms, corporate, companies.	Prohibited (except as otherwise provided) as per applicable laws except for meeting local needs.
7.	Setting of new saw mills.	No new or expansion of existing saw mills shall be permitted within the Eco-sensitive Zone.
B. Regulated Activities		
8.	Commercial establishment of hotels and resorts.	No new commercial hotels and resorts shall be permitted within one kilometre of the boundary of the Protected Area or upto the extent of Eco-sensitive Zone, whichever is nearer, except for small temporary structures for Eco-tourism activities: Provided that, beyond one kilometre from the boundary of the protected Area or upto the extent of Eco-sensitive Zone whichever is nearer, all new tourist activities or expansion of existing activities shall be in conformity with the Tourism Master Plan and guidelines as applicable.
9.	Construction activities.	(a) No new commercial construction of any kind shall be permitted within one kilometre from the boundary of the Protected Area or upto extent of the Eco-sensitive Zone whichever is nearer: Provided that, local people shall be permitted to undertake construction in their land for their use including the activities listed in sub-paragraph (1) of paragraph 4 as per building byelaws to meet the residential needs of the local residents such as:-

		<p>(i) widening and strengthening of existing roads and construction of new roads;</p> <p>(ii) construction and renovation of infrastructure and civic amenities;</p> <p>(iii) small scale industries not causing pollution;</p> <p>(iv) cottage industries including village industries; convenience stores and local amenities supporting eco-tourism including homestays; and</p> <p>(v) promoted activities listed in this Notification.</p> <p>Provided that the construction activity related to small scale industries not causing pollution shall be regulated and kept at the minimum, with the prior permission from the competent authority as per applicable rules and regulations, if any.</p> <p>(b) Beyond one kilometre it shall be regulated as per the Zonal Master Plan.</p>
10.	Small scale industries not causing pollution.	Non polluting, non-hazardous, small-scale and service industry, agriculture, floriculture, horticulture or agro-based industry producing products from indigenous materials from the Eco-sensitive Zone shall be permitted by the competent Authority.
11.	New wood based industry.	Establishment of new wood based industry shall not be permitted within the limits of Eco-sensitive Zone: Provided that new wood based industry may be set up in the Eco-sensitive Zone using 100 percent imported wood stock
12.	Micro and Mini Hydel projects.	Regulated under applicable laws.
13.	Setting up of brick kilns.	Regulated (except as otherwise provided) as per applicable laws.
14.	Felling of Trees.	<p>(a) There shall be no felling of trees on the forest or Government or revenue or private lands without prior permission of the competent authority in the State Government.</p> <p>(b) The felling of trees shall be regulated in accordance with the provisions of the concerned Central or State Act and the rules made thereunder.</p>
15.	Collection of Forest produce or Non-Timber Forest Produce (NTFP).	Regulated under applicable laws.
16.	Erection of electrical and communication towers and laying of cables and other infrastructures.	Regulated under applicable law. Underground cabling may be promoted.
17.	Infrastructure including civic amenities.	Shall be done with mitigation measures, as per applicable laws, rules and regulation and available guidelines.
18.	Widening and strengthening of existing roads and construction of new roads.	Shall be done with mitigation measures, as per applicable laws, rules and regulation and available guidelines.
19.	Under taking other activities related to tourism like over flying the Eco-sensitive Zone area by hot air balloon, helicopter, drones, Microlites, etc.	Regulated under applicable law.
20.	Protection of Hill Slopes and river banks.	Regulated under applicable laws.
21.	Movement of vehicular traffic at night.	Regulated for commercial purpose under applicable laws.
22.	Ongoing agriculture and horticulture practices by local communities along with dairies, dairy farming, aquaculture and fisheries.	Permitted under applicable laws for use of locals.
23.	Discharge of treated effluents in natural water bodies or land area.	The discharge of treated effluent shall be regulated as per applicable laws.

24.	Commercial extraction of surface and ground water.	Regulated under applicable law.
25.	Open Well, Bore Well etc. for agriculture or other usage.	Regulated and the activity should be strictly monitored by the appropriate authority.
26.	Solid Waste Management.	Regulated under applicable laws.
27.	Introduction of Exotic species.	Regulated under applicable laws.
28.	Eco-tourism.	Regulated under applicable laws.
29.	Use of polythene bags.	Regulated under applicable laws.
30.	Commercial Sign Boards and hoardings.	Regulated under applicable laws.
C. Promoted Activities		
31.	Rain water harvesting.	Shall be actively promoted.
32.	Organic farming.	Shall be actively promoted.
33.	Adoption of green technology for all activities.	Shall be actively promoted.
34.	Cottage industries including village artisans, etc.	Shall be actively promoted.
35.	Use of renewable energy.	Bio gas, solar light etc. to be actively promoted .
36.	Agro-Forestry.	Shall be actively promoted.
37.	Skill Development.	Shall be actively promoted.
38.	Restoration of Degraded Land/ Forests/ Habitat.	Shall be actively promoted.
39.	Environmental Awareness.	Shall be actively promoted.

5. Monitoring Committee:- The Central Government hereby constitutes a Monitoring Committee, for effective monitoring of the provisions of this notification under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 comprising of the following, namely:—

- (i) The Regional Commissioner, Mysore Region, Mysore - Chairman;
 - (ii) Representative of the Department of Environment, government of Karnataka - Member;
 - (iii) Representative of the Department of Urban Development, Government of Karnataka - Member;
 - (iv) One representative of Non Government Organisation working in the field of environment to be nominated by the Government of Karnataka for a term of three year in each case - Member ;
 - (v) The Regional Officer, Mysore, Karnataka State Pollution Control Board - Member ;
 - (vi) One expert in Ecology from reputed institution or university of the State to be nominated by the Government of Karnataka for a term of three year in each case - Member;
 - (vii) Deputy Commissioner Mysore District - Member;
 - (viii) The Chief Executive Officer, Zilla Panchayath , Mysore - Member;
 - (ix) Member of Legislative Assembly-Hunsuru-Member - Member;
- (Subject to the State Government of Karnataka obtaining relevant approvals *inter alia* including permission from the Speaker of Legislative Assembly, Karnataka, if required)
- (x) The Deputy Conservator of Forests, Wildlife Division, Mysore -Member-Secretary.

6. Terms of Reference.—

- (1) The Monitoring Committee shall monitor the compliance of the provisions of this notifications.
- (2) The tenure of the Committee shall be three years.
- (3) The activities that are covered in the Schedule to the notification of the Government of India in the erstwhile Ministry of Environment and forests number S.O. 1533(E) dated the 14th September, 2006 and are falling in the Eco-

sensitive Zone, except for the prohibited activities as specified in the table under paragraph 4 thereof, shall be scrutinised by the Monitoring Committee based on the actual site-specific conditions and referred to the Central Government in the Ministry of Environment, Forest and Climate Change for prior environmental clearance under the provisions of the said notifications.

- (4) The activities that are covered in the Schedule to the notification of the Government of India in the erstwhile Ministry of Environment and forests number S.O. 1533 (E) dated the 14th September, 2006 and are falling in the Eco-sensitive zone, except for the prohibited activities as specified in the table under paragraph 4 thereof, shall be scrutinised by the Monitoring Committee based on the actual site-specific conditions and referred to the concerned Regulatory Authorities.
- (5) The Member Secretary of the Monitoring Committee or the Concerned District Magistrate/Collector (s) or the Park Deputy Conservator of Forests, shall be competent of file complaints under section 19 of the Environment (protection) Act 1986 against any person who contravenes the provisions of the notification.
- (6) The Monitoring Committee may invite representatives or experts from concerned Departments, representatives from Industry Associations or concerned stakeholders to assist in its deliberations depending on the requirements on issue to issue basis .
- (7) The Monitoring committee shall submit the annual action taken report of its activities as on the 31st March of Every year by the 30th June of that year to the chief Wildlife Warden of the state as per pro forma appended at **Annexure-V**.
- (8) The Central Government in the Ministry of Environment, Forests and Climate change may give such directions, as it deems fit, to the Monitoring committee for effective discharge of its functions.
7. The Central Government and State Government may specify additional measures, if any for giving effect to provisions of this notification.
8. The provisions of this notification shall be subject to the orders, if any passed or to be passed, by the Hon'ble Supreme Court of India or the High Court or the National Green Tribunal.

[F. No. 25/135/2015-ESZ-RE]

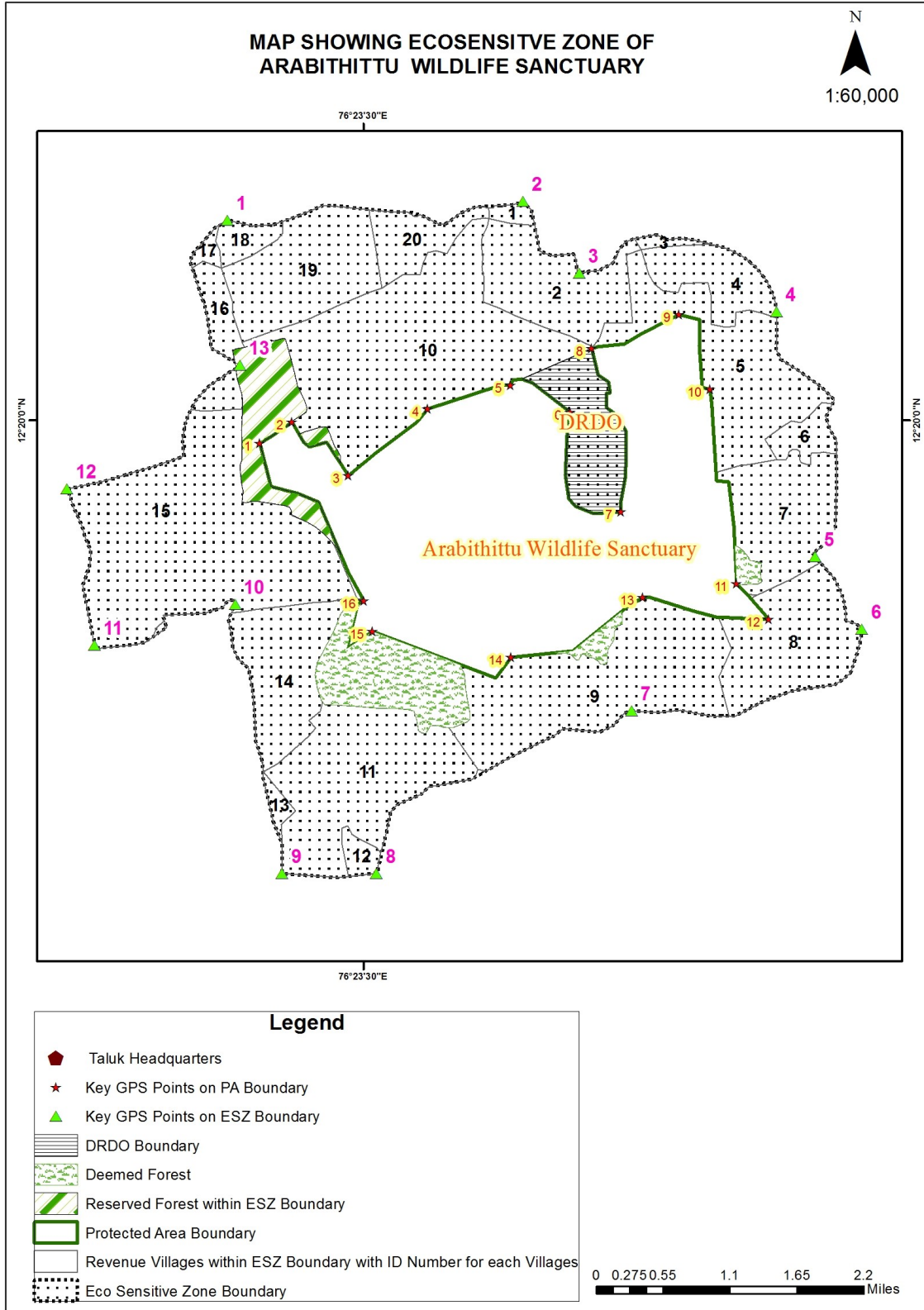
LALIT KAPUR, Scientist 'G'

ANNEXURE –I

Boundary description of the Eco-sensitive Zone around Arabithittu Wildlife Sanctuary.

North : The boundary of Eco-sensitive Zone to Arabithittu Wildlife Sanctuary begins from Hagarnahalli-Manti Koppalu village road tri-junction point. The line runs east direction along the road and reaches the Sravanahalli village gate and reaches the Shanubhoganahalli village and line moves towards north and then turns to east and touches the Rangayyana Koppalu village and passes along the road and reach the Yammekoppalu village. Then the line runs towards north direction along the Yammekoppalu- Bolanahalli road and touches the Mysore – Hassan Road near Bolanahalli village. In addition the Eco-sensitive Zone boundaries are extended to 1 Km. from the extreme points of the Sanctuary with respect to Hosahalli kaval village of Hunsur Taluk.

- East:** The Eastern boundary of Eco -Sensitive Zone of Arabithittu wildlife Sanctuary starting from Mysore – Hassan Road near Bolanahalli village. Then the line runs towards south passes along the Mysore- Hassan road and touches the Tri-junction point near Petrol Bunk on the State Highway. Then line turns towards east and passes through the old Mysore-Hunsur road and turns to south and touches the Mysore-Bantwal State highway road near Mallinathpura village. Then the line runs towards north east along the state highway road and reaches the point of extension area of Bilikere village. Then the line runs towards south direction along the road and reaches the Jeenahalli village and moving towards east direction and reaches the Bilikere-Gaddige road at Dallalu village Then the line runs towards south along the road and touches Dallalukoppalu village. Then the line moving towards south and reaches the tri-junction point near Dallalukoppalu village on Bilikere- Gaddige Road. In addition the Eco-sensitive Zone boundaries are extended to 1 Km. from the extreme points of the Sanctuary with respect to Mallinathapura & Bilikal villages of Hunsur Taluk.
- South:** The Southern boundary of Eco-sensitive Zone of Arabithittu wildlife Sanctuary begins from tri-junction point of near Dallalukoppalu village on Bilikere- Gaddige road. Then the line turns towards west direction and touches the Gagenahalli gate near Govt. High school and then moving towards south west upto Halepura kere and turns to south direction and touches the Halepura village. Then the line moving towards road reach the Tri-junction point of Halpura, Hosapura Challahalli villages. Then line runs towards west direction along the road to touches the Hosapura village and moves upto Hosapura Kere Point.
- West:** The Western boundary of Eco Sensitive zone of Arabithittu wildlife Sanctuary begins from Hosapura kere point. Then the line turns towards north direction to reaches the Mudalukoppalu village, along the road. Then the line turns towards west direction and reaches the Maralayyana koppalu village and moves towards south west along the road and reaches the Doddegowdanakoppalu village. Then the line runs towards west and reaches the tri-junction point of Udduru-Bannikuppe road. Then the line runs towards north along the road and reaches the Bannikuppe village. Then the line touches the Mysore-Bantwal state highway (S.H.-88) road near Bannikuppe Govt. Hospital. Then the line turns towards east direction all along the state highway road and touches the reserved forest Stone No. 223 of Kuppekologatta section 4 declared area. Then the line turns towards north direction all along this forest boundary. Then the line turns towards west direction, then the line turns towards north direction along the forest boundary. Then the line turns towards west and north direction, passes along the footpath and cart track and reach the starting point. In addition the Eco-sensitive Zone boundaries are extended to 1 Km. from the extreme points of the Sanctuary with respect to Bannikuppe and Maraduru villages of Hunsur Taluk.

ANNEXURE-II**Map showing the Eco-sensitive Zone around Arabithittu Wildlife Sanctuary**

ANNEXURE-III**Table showing Geo Coordinates of major points on the boundary of Arabithittu Wildlife Sanctuary.**

Map ID	Latitude (Decimal Minutes Seconds)	Longitude (Decimal Minutes Seconds)
1	12 ⁰ 19'50.21	76 ⁰ 22'45.62
2	12 ⁰ 19'59.31	76 ⁰ 22'59.31
3	12 ⁰ 19'36.38	76 ⁰ 23'23.53
4	12 ⁰ 20'5.05	76 ⁰ 23'57.57
5	12 ⁰ 20'15.16	76 ⁰ 24'33.10
6	12 ⁰ 20'3.40	76 ⁰ 24'58.74
7	12 ⁰ 19'20.79	76 ⁰ 25'20.34
8	12 ⁰ 20'30.85	76 ⁰ 25'7.76
9	12 ⁰ 20'45.42	76 ⁰ 25'45.36
10	12 ⁰ 20'13.37	76 ⁰ 25'58.61
11	12 ⁰ 18'50.12	76 ⁰ 26'9.99
12	12 ⁰ 18'34.62	76 ⁰ 26'23.77
13	12 ⁰ 18'44.07	76 ⁰ 25'29.70
14	12 ⁰ 18'18.42	76 ⁰ 24'33.39
15	12 ⁰ 18'29.46	76 ⁰ 23'33.86
16	12 ⁰ 18'42.67	76 ⁰ 23'30.29

Table showing Geo Coordinates of major points on the on the Eco-sensitive Zone boundary around Arabithittu Wildlife Sanctuary.

Map ID	Latitude (Decimal Minutes Seconds)	Longitude (Decimal Minutes Seconds)
1.	12 ⁰ 21'25.92	76 ⁰ 22'31.77
2.	12 ⁰ 21'34.06	76 ⁰ 24'38.49
3.	12 ⁰ 21'3.16	76 ⁰ 25'2.55
4.	12 ⁰ 20'47.96	76 ⁰ 26'21.87
5.	12 ⁰ 19'1.70	76 ⁰ 26'43.78
6.	12 ⁰ 18'31.30	76 ⁰ 27'1.05
7.	12 ⁰ 17'55.63	76 ⁰ 25'25.01
8.	12 ⁰ 16'45.74	76 ⁰ 23'35.66
9.	12 ⁰ 16'45.75	76 ⁰ 22'52.28
10.	12 ⁰ 18'37.14	76 ⁰ 22'28.69
11.	12 ⁰ 18'23.67	76 ⁰ 22'34.81
12.	12 ⁰ 19'30.78	76 ⁰ 22'22.98
13.	12 ⁰ 20'25.39	76 ⁰ 22'19.71

ANNEXURE-IV**Details of the list of Villages falling within the Eco-sensitive Zone around Arabithittu Wildlife Sanctuary.**

Map ID	Name of the Village	Name of the Taluk	Area in ha	Latitude			Longitude		
				Degree	Minute	Second	Degree	Minute	Second
1	Bolanahalli	Hunsur	9.43	12	21	16.40	76	25	38.80
2	Shravanahalli	Hunsur	231.16	12	21	4.17	76	23	4.78
3	Lakkur	Hunsur	12.93	12	21	28.56	76	24	33.96

Map ID	Name of the Village	Name of the Taluk	Area in ha	Latitude			Longitude		
				Degree	Minute	Second	Degree	Minute	Second
4	Rayanahalli	Hunsur	33.86	12	21	17.32	76	22	39.02
5	Hagaranahalli	Hunsur	11.46	12	21	12.54	76	22	23.28
6	Shanubhoganahalli	Hunsur	78.68	12	21	17.48	76	23	51.43
7	Maraduru	Hunsur	66.07	12	20	35.42	76	22	28.15
8	Rangaiahnakoppalu	Hunsur	199.40	12	20	58.53	76	24	51.34
9	Kuppekolaghatta	Hunsur	583.71	12	20	29.24	76	23	50.48
10	Hosahalli Kaval	Hunsur	105.75	12	21	0.79	76	25	59.66
11	Mallinathapura	Hunsur	285.18	12	20	23.06	76	26	5.61
12	Bilikere	Hunsur	39.83	12	19	52.99	76	26	39.08
13	Banni Kuppe	Hunsur	632.95	12	19	8.19	76	22	18.10
14	Jeenahalli	Hunsur	195.47	12	19	19.84	76	26	29.78
15	Dallalu	Hunsur	229.44	12	18	24.87	76	26	32.64
16	Madahalli	Hunsur	197.32	12	18	13.40	76	22	55.72
17	Madahalli Kaval	Hunsur	13.70	12	17	14.95	76	22	53.06
18	Thippur	Hunsur	21.33	12	16	53.67	76	23	28.22
19	Gagenahalli	Hunsur	417.08	12	18	7.30	76	25	10.66
20	Halepura	Hunsur	354.50	12	17	25.58	76	23	27.56
Total:			3719.342						

Details of the DRDO Lands, Notified Reserved Forest and Deemed Forest Areas within the Eco-sensitive Zone around Arabithittu Wildlife Sanctuary.

Sl. No.	Name of the Forest	District	Taluk	Area (Sq. Km.)	Notification No. & Date
1	Arabhithittu State Forest	Mysuru	Hunsur	1.45	Notification No. R-11453-ft.138-04-7 dated: 16-05-1905
2	Deemed forest	Mysuru	Hunsur	3.00	Nil
3	DRDO area	Mysuru	Hunsur	2.91 (718.39 Acres)	The Defence Research and Development Organisation has acquired 718.39 acres of revenue lands adjacent to the Sanctuary in the year 1992-93. Hence, the said area does not form a part of Eco-sensitive Zone.
Total				7.63 Sq. Kms.	

ANNEXURE-V

Performa of Action taken report:- Eco-sensitive Zone Monitoring Committee:—

1. Number and date of meetings;
2. Minutes of the meetings: Mention main noteworthy points. Attach Minutes of the meeting as separate Annexure.
3. Status of preparation of Zonal Master Plan including Tourism Master Plan;
4. Summary of cases dealt for rectification of error apparent on face of land record: Details may be attached as Annexure;
5. Summary of cases scrutinised for activities covered under Environment Impact Assessment Notification, 2006: Details may be attached as separate Annexure;
6. Summary of case scrutinised for activities not covered under Environment Impact Assessment Notification, 2006: Details may be attached as separate Annexure;
7. Summary of complaints lodge under Section 19 of Environment (protection) Act, 1986;
8. Any other matter of importance.

P.R. 63
SC - 20

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಹೆಚ್. ರಾಜ್‌ಕುಮಾರ್

ಸಹಾಯಕ ಪ್ರಾರೋಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ

ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ (ಪ್ರ.),

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳ ಇಲಾಖೆ.